at Age Fifty. A Legal Perspective, 1995; "Some Reflections on the European Community's International Responsibility", *The Actions for Damages in Community Law*, 1997; "How Flexible Is Flexibility under the Amsterdam Treaty?", *Common Market Law Review*, Vol. 35, 1998; "Restraints Imposed by European Community Law on the Treaty-Making Power of the Member States", *Dealing with Integration*, Vol. 2, 1998; "Does the European Court of Human Rights Use Its Stated Methods of Interpretation?", *Studi in onore di Francesco Capotorti*, 1999; "Trattati internazionali", *Digesto delle discipline pubblicistiche*, Vol. XV, 1999; "New Instruments and Institutions for Enhancing the Protection of Human Rights in Europe?", *The EU and Human Rights*, 1999; "Expulsion of Aliens: Some Old and New Issues in International Law", *Cursos Euromediterráneos Bancaja de Derecho Internacional*, Vol. III, 1999; "Deliberating on Questions of Jurisdiction in the International Court of Justice", *Liber Amicorum Judge Shigeru Oda*, 2002; "The Long Journey towards Repressing Aggression", *The Rome Statute of the International Criminal Court: A Commentary*, 2002; "Obligations and Rights Erga Omnes: First Report; Second Report", *Yearbook of the Institute of International Law*, Vol. 71-I, 2005; "Relationship of the ICJ with other International Courts and Tribunals", *The Statute of the International Court of Justice. A Commentary*, 2006; "Convention de Vienne de 1969 — Article 38", *Les Conventions de Vienne sur le droit des traités. Comments Article by Article*, 2006.

Judge *ad hoc* Bernard H. OXMAN

(Judge *ad hoc* in the case concerning *Maritime Delimitation in the Black Sea (Romania* v. *Ukraine)*)

Born in New York, United States of America, on 2 December 1941.

A.B., Columbia College (1962); J.D., Columbia Law School (1965).

Research Assistant, Parker School of Foreign and Comparative Law, Columbia Law School (1965); Lieutenant, JAGC, United States Naval Reserve (1965-1968); International Law Division, Office of the Judge Advocate General of the Navy, Pentagon (1966-1968); Attorney-Adviser and Assistant Legal Adviser for Oceans, Environment and Scientific Affairs Office of the Legal Adviser, U.S. Department of State, and National Security Council Task Force on Law of the Sea (Vice-Chair) (1968-1977); U.S. Representative and Vice-Chair of the United States delegation at the Third United Nations Conference on the Law of the Sea, and Chair of the English Language Group of the Conference Drafting Committee (1973-1982); Associate Professor (1977-1980), Professor of Law (since 1980), Associate Dean (1987-1990), University Faculty Senator (since 1996), Director, Ocean and Coastal Law Program (since 1997), University of Miami School of Law; Professorial Lecturer, School of Advanced International Studies, Johns Hopkins University (1976); Visiting Associate Professor, Stanford Law School (1978); Visiting Professor, School of Law, University of California at Berkeley (1982); Visiting Professor, Institut des hautes études internationales, Université Panthéon-Assas (Paris- II) (1994).

Judge *ad hoc* in the case concerning *Land Reclamation by Singapore in and around the Straits of Johor*, International Tribunal for the Law of the Sea (2003); Member, Arbitral Tribunal constituted under Annex VII of the United Nations Convention on the Law of the Sea (Malaysia *v.* Singapore) (2003-2005); Adviser to United States Government in the case concerning *Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada/United States of America)* before the International Court of Justice.

Member of the Bar of the District of Columbia, New York; American Bar Association; Executive Council, American Society of International Law (1984-1988); Panel on the Law of Ocean Uses ("Henkin Panel") (1984-1993); Department of State Advisory Committee on International Law (1986-1992); Antarctic Section, Department of State Advisory Committee on Oceans and International Environmental and Scientific Affairs (1987-1992); Executive Board, Law of the Sea Institute (1983-1986, 1991-2002; Chairman 1993-2002); Council on Foreign Relations (since 1999); American Law Institute (since 2000); Board of Editors (since 1986), International Decisions Editor (since 1998), Co-Editor in Chief (since 2003), *American Journal of International Law*.

Author and editor of numerous books and articles, including: *The 1982 Convention on the Law of the Sea*, 1984 (edited with A. Koers); *Sustainable Development and Preservation of the Oceans: The Challenges of UNCLOS and Agenda 21*, 1997 (edited with Mochtar Kusuma-Atmadja and T. A. Mensah); "La législation américaine sur les ressources minérales solides des fonds océaniques", *Annuaire français de droit international*, Vol. 26, 1980; "The Third United Nations Conference on the Law of the Sea", Chapter 4 of *Handbook on the New Law of the Sea* (R.-J. Dupuy and D. Vignes, eds.), 1991; "Antarctica and the New Law of the Sea", *Cornell J. Int'l L.*, Vol. 19, 1986; "Jurisdiction and the Power to Indicate Provisional Measures", in *The International Court of Justice at a Crossroads* (L. F. Damrosch, ed.), 1987; "Marine Archeology and the International Law of the Sea", *Columbia-VLA Journal of Law and the Art*, Vol. 12, 1988; "The 1982 Convention and Customary International Law", *Center for Oceans Law and Policy, Proceedings*, Vol. 13, 1989; "The Duty to Respect Generally Accepted International Standards", *NYU. J. Int'l L. & Pol*, Vol. 24, 1992; "The 1994 Agreement and the Convention, in Law of the Sea Forum: The 1994 Agreement on Implementation of the Seabed Provisions of the Convention on the Law of the Sea", *AJIL*, Vol. 88, 1994; "Stability in the Law of the Sea" (with Anatoly Kolodkin), in *Beyond Confrontation, International Law for the Post-Cold War Era* (L. F. Damrosch, G. M. Danilenko and R. Müllerson, eds.), 1995; "Law of the Sea", in *United Nations Legal Order*, Vol. 2 (O. Schachter and C.C. Joyner, eds.), 1995; "Environmental sessions of the United Nations General Assembly on Disarmament (1978 and 1982 respectively).

Numerous articles for various legal publications and lectures on international law covering the law of the sea, environmental law, human rights and the United Nations International Law Commission.

Awarded the Papal Honour of the Grand Cross with the Star of the Order of Pius the Ninth in 1993 by Pope John Paul II.

Judge *ad hoc* Milenko KREĆA

(Judge *ad hoc* in the cases concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina* v. *Serbia and Montenegro)*, and *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia* v. *Serbia and Montenegro)*

Born in Sisak, Croatia, on 19 August 1947, Serbian national.

Received M.A. and Ph.D. (LL.D.) degrees *cum laude* from the School of Law, Belgrade University.

Upon graduation, practised law as an attorney (1973-1974).

Assistant Professor (1975), Docent (1978) and Associate Professor (1985) at the Belgrade School of Law. Full-time Professor of International Public Law (1990) and Associate Dean (1989-1991) at the Belgrade School of Law. Head of Chair of International Law and International Relations at the Faculty of Law in Belgrade (since 1997); Director of the Institute for International Politics and Economics (1997-2000); President of the Council of the Institute for Comparative Law (1997-2000); Member of the Federal Commission for Harmonization of FRY Law with the Laws of EU, EC and WTO (since 1998); Member of the Board of the Faculty of Law in Belgrade (1998-2000); President of the Council of the Faculty of Law (since 2006).

Arbitrator of the Permanent Arbitration at the Commercial Chamber of the Republic of Serbia (since 2000); President of the Scientific Council for Legal and Political Sciences at Belgrade University (1999-2004). President of the International Criminal Law Association (since 2002). Director of the Institute for Legal Studies, Faculty of Law, Belgrade.

Was on several occasions legal adviser to the Ministry of Foreign Affairs and Government of the Federal Republic of Yugoslavia and to other organs of the Republic of Serbia and the Federal Republic of Yugoslavia. Judge *ad hoc* in a few cases before the European Court of Human Rights.

Judge *ad hoc* before the International Court of Justice in the following cases: *Legality of the Use of Force (Serbia and Montenegro* v. *Belgium) (Serbia and Montenegro* v. *Canada) (Serbia and Montenegro* v. *France) (Serbia and Montenegro* v. *Germany) (Serbia and Montenegro* v. *Italy) (Serbia and Montenegro* v. *Netherlands) (Serbia and Montenegro* v. *Portugal) (Serbia and Montenegro* v. *United Kingdom)*.

Founder of the *Review of EU Legislation* (Belgrade, Institute for International Politics and Economics).

Principal publications: *Practical Course in International Law* (co-author), 1980; *International Public Law* (co-author), 1983, 1986, 1989, 1990, 1991, 1993, 1996, 1997, 1999, 2001, 2003, 2004; *Sources of International Public Law*, 1979, 1985, 1999, 2004; *Treaty-making Power of the State in International Law, with a Special Review of Federal States*, 1988; *Absolutely Binding Norms (Ius Cogens) in International Public Law*, 1989; *Material for International Public Law*, I-III (co-author), 1988-1989; *Law of the Sea – Scientific Research of the Sea and Transfer of Marine Technology*, 1990; *Treaty-making Power of the State in International Law*, 1991. Author of over 70 articles and papers in Serbian and other languages, including: "Some General Reflections on Main Features of *Ius Cogens* as a Notion of International Public Law", in *New Directions in International Law, Essays in Honour of W. Abendroth*, 1982; "Quelques observations sur le problème de la hiérarchie des règles de droit dans le droit international public", in *Yugoslav Review of International Law*, No. 1, 1980; "Constitutional Provisions Regulating Activity of Federal Units in International Relations", in *Yugoslav Review of International Law*, No. 1, 1992; "A Few Remarks on Theoretical Basis of the New Law of the Sea", *Liber Amicorum Judge Shigeru Oda*.

Judge *ad hoc* Antônio Augusto CANÇADO TRINDADE

(Judge *ad hoc* in the case concerning the *Dispute regarding Navigational and Related Rights (Costa Rica* v. *Nicaragua)*)

Born in Belo Horizonte, Brazil, on 17 September 1947.

Ph.D. in International Law at the University of Cambridge; Master's International Law, University of Cambridge (1973); Bachelor's in Law, Federal University of Minas Gerais, Brazil (1969); International Institute of Human Rights, Strasbourg, France (1974); Certificates from the Investigations Center of the International Law Academy of The Hague (1974) and from the Seminar of the Commission of International Law of the United Nations (Geneva, 1975).

Yorke Award, University of Cambridge (1978). Ph.D. *Honoris Causa*, Universidad Central de Chile, Santiago, 2003. Ph.D. *Honoris Causa*, Universidad Católica del Perú, Lima, 2003. Professor *Honoris Causa*, Universidad Nacional Mayor de San Marcos, Lima, Peru (2001). "Isidro Fabela" Award, Universidad Nacional Autónoma de México (UNAM), Mexico City (2003). "José Bonifacio de Andrada" Award, Universidad del Estato de Rio de Janeiro (UERJ), Rio de Janeiro (1999). "Fausto Alvim" Award for Academic Excellence, Universidad de Brasilia (UnB), Brasilia (1999). "Destaque 2002" Award, Universidad Federal de Minas Gerais, Belo Horizonte, Brazil (2002).

Permanent Professor (International Law) of the University of Brasilia (from 1978) and of the Diplomatic Academy Rio Branco of Brazil (from 1979). Lecturer at the Hague Academy of International Law, Netherlands, 1987 session (course published in Volume 202 (1987), of the *Recueil des cours* of the Hague Academy). Professor of the numerous courses of International Law organized by the Inter-American Judicial Committee of the OAS (sessions of 1981, 1982, 1985, 1990, 1991, 1992, 1995, 1996, 1997, 2000, 2001, 2002 and 2003); Professor at the Institute of International Public Law and International Relations of Salonica, Greece (session of 1988). Professor of the interdisciplinary course of the International Institute of Human Rights (Strasbourg, France) (sessions of 1988, 1991, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002 and 2003). Visiting Professor ("Cátedra Simon Bolivar") at the University of Los Andes (Mérida, Venezuela) (1981 and 1982). Visiting Professor at the Higher Institute of International Studies of the University of Paris-II (Panthéon-Sorbonne) (sessions of 1988-1989). Visiting Professor at the University of Ferrara, Italy (1983 and 1986). Visiting Professor (elected by the Congregation) of the University of Lisbon, Portugal (1993). Visiting Professor of Tulane University, New Orleans (1999). Visiting Professor of the Universities of Seville and Deusto, Spain (2001).

Judge of the Inter-American Court of Human Rights (elected in 1994 and re-elected in 2000); Vice-President (1997-1999) and President of the Inter-American Court of Human Rights (1999-2001 and 2002-2004); Executive Director of the Inter-American Institute of Human Rights (elected by unanimity, 1994-1996); Judicial Consultant of the Ministry of Foreign Relations of Brazil (1985-1990); United Nations Expert and Lecturer at the United Nations World Consultation on the Right to Development as a Human Right (1990); Consultant for the United Nations Development Programme (UNDP) for its advisory and modernization project of the Chancelleries of Latin American Countries (1998, Chile, Brazil, Dominican Republic, Mexico, Guatemala); Member of the Jurists Commission of the Organization of American States (OAS) for Nicaragua (1993-1994); Member of the Consultants Commission of UNESCO on the Right to Peace as a Human Right (participant in the Las Palmas meetings, Islas Canarias, February 1997, and Oslo, Norway, June 1997); Director of the *Boletim da Sociedade Brasileira de Direito Internacional* (from 1985 – biannual magazine); Corresponding Brazilian Editor of the *International Legal Materials* (Washington, American Society of International Law, from 1981).

Member of the Curatorium of the Hague Academy of International Law, The Hague, Netherlands (elected in 2004); Permanent Member of the International Law Institute (Institut de droit international, elected at its Strasbourg session of 1997); Associate Member of the Argentine Association of International Law; Member (elected) of the Société française pour le droit international; Member of the Steering Committee of the International Courts and Tribunals Project (New York, The Hague) (since 1998).

Presented the "Ciudadanía Mundial" Award (Brasilia, 1998) and the "Heleno Fragoso" Award of Human Rights (Curitiba, 2000).

Author of numerous publications on international law.

Judge *ad hoc* Jean-Yves DE CARA

(Juge *ad hoc* in the case concerning *Certain Criminal Proceedings in France (Republic of the Congo* v. *France)*)

Born in Oujda (Morocco) on 26 June 1950.

Licence in Law, Faculty of Law, Lyon (1973). *Diplôme d'études supérieures* (DES) in Public Law and Political Science, and DES in History of Law and Roman Law, Lyon III. Doctorate in Public Law, Lyon III (1981). *Agrégation* of the Faculties of Law (1994).

Law Clerk to Sir Gordon Slynn, now the Rt. Hon. The Lord Slynn of Hadley, at the Court of Justice of the European Communities (1989-1992).

Professor, University of Toulon and of the Var (1994-1996) and Institut d'études politiques of Aix-en-Provence. Director, Centre for International European and Comparative Law. Professor, Faculty of Law, University Jean Moulin Lyon III (1996-2003). Professor, Faculty of Law, University René Descartes Paris V (since 2003).

Visiting Professor, University of Durham (1993-1997), Athens Georgia (United States, 1996-2003), Konstanz (Germany, since 1998), St. Joseph University, Beirut (since 2000). Visiting Fellow, University of Cambridge (1996-1997).

Lawyer of the Lyon Bar (1989-1998). Littleton Chambers, Temple, London (since 2000).

Author of many publications on constitutional law, international law and community law.

Judge *ad hoc* Jean-Pierre MAVUNGU MVUMBI-DI-NGOMA

(Judge *ad hoc* in the case concerning *Armed Activities on the Territory of the Congo (New Application: 2002) (Democratic Republic of the Congo* v. *Rwanda)*)

Born on 22 December 1956 at Nsumbi (Province of Bas-Congo), Democratic Republic of the Congo.

Graduate of the Ecole nationale d'administration publique of Rabat. Licence in law, Mohamed V University, Morocco (1980). Graduate of the Institut universitaire de hautes études internationales of Geneva (1987). Doctor of Law, University of Fribourg, Switzerland (1992). Agrégé in public law (1992).

Graduate assistant and lecturer in public international law and public law at the University of Fribourg (1990-1995). Associate Professor and Head of the Department of public international law and international relations of the University of Kinshasa (since 1995). Professor and Head of Department of public law at the Faculty of Law of the Protestant University in the Congo (since 1997).

Directeur de cabinet to the Minister for Human Rights (1998-1999, 2001). Member of the Congolese Delegation to the 55th Session and

(2001-2003). Visiting Professor (1994-2001) and Professor (since 2002) in the law faculty, University of Nancy, public international law, general theory of law.

Member and Deputy Director of the Centre d'étude et de recherche de droit international et européen (CERDIE) (2001-2004), University of Nancy 2. Researcher and analyst in law and politics.

Author of a number of studies in international law, including works of theoretical and applied research: *Emergence des Etats nouveaux et droit international – quelques tendances théoriques*, 1984; *Désuétude du système de sécurité collective*, 1986; *Conflit armé au Congo-Zaïre, ses circonstances et sa gestion sous l'angle du droit des Nations Unies*, 2001; *Le droit international à l'épreuve du conflict des Grands-Lacs au Congo-Zaïre, guerre – droit – responsabilité et réparations*, 2004; *Espoirs et déception de la quête constitutionnelle congolaise*, 2005; "De la guerre du Golfe à la guerre contre l'Irak: la crise irakienne revisitée", in R. Kherad (ed.), *Les implications de la guerre en Irak. Colloque international du mercredi 12 mai au jeudi 13 mai 2004*, Faculté de droit, d'économie et de gestion de l'université d'Angers, 2005.

Minister of Justice of Zaire (1977). *Chargé de mission*, Ministry for Territorial Administration, with responsibility for decentralization (1981-1983). Legal Adviser to the Board of Directors of Zaire Universities (1982-1984). Political Counsellor to the Presidency of the Republic, then Senior Presidency Official with the rank of Deputy-Director of the Personal Office of the President (1993-1997). Has carried out a number of official foreign missions (United States of America, United Nations, United Kingdom, France, Panama, Mozambique, Romania).

Expert to the Electoral Institute for Southern Africa (EISA).

Chevalier de l'Ordre national des Palmes académiques (France).

Judge *ad hoc* Joe VERHOEVEN

(Judge *ad hoc* in the case concerning *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo* v. *Uganda)*)

Born in Brussels, Belgium, on 12 March 1943.

Doctor of Law (1965) and Agrégé de l'enseignement supérieur (1975).

Professor at the Catholic University of Louvain (UCL) (1975-2000); Law Faculty Course Director for Public International Law and European Community Law. Professor at the St. Louis University Faculties (Brussels). Professor at the University of Paris II Panthéon Assas (since 2000); Director of Master 2, Public International Law; Director of the Institut des hautes études internationales (IHEI) (with Ch. Leben).

Member of the Research Council of the Catholic University of Louvain (1994-1999); Member (1995-2004) and President (since 1998) of the Commission des sciences juridiques du Fonds national de la recherche scientifique.

Attendance at numerous conferences and teaching abroad (notably: Aix-Marseille, Bordeaux, Hitotsubashi University, Institut universitaire des hautes études internationales (Geneva), New York University, Ottawa, Paris I, Paris II, University of California (Los Angeles)); Visiting Scholar at Stanford Law School (1998).

Teaching at the Hague Academy of International Law (Private International Law Section) in 1985; invited to give the 2002 general course on public international law.

Member of various learned societies (Member-elect of the Council of the French Society for International Law); Member of the editorial board of various law periodicals. Director of the *Annuaire français de droit international* (since 2002).

Member of the Permanent Court of Arbitration; expert adviser to the Centre for the Prevention of Conflict in the Organisation for Security and Co-operation in Europe (OSCE).

Participated — as counsel or, in one case, as arbitrator — in certain international arbitrations, *ad hoc* or ICC; State's counsel for Iran in several cases before the Iran-United States Claims Tribunal; various consultative positions.

Member (since 1991) of the Institute of International Law (elected Associate at Helsinki in 1985); Rapporteur on the draft resolution on *Immunities from Jurisdiction and Execution of Heads of State and Government in International Law*, adopted at Vancouver (2001); Secretary-General of the Institute (since 2003).

Winner of the Charles De Trooz prize (1965) (for an essay on Luise Rinser), the Henri Rolin prize (1976) (for a work on international recognition) and the Fondation E. de Laveleye prize 1993-1998 (Royal Academy of Belgium).

Author of the following monographs: *La reconnaissance internationale dans la pratique contemporaine. Les relations publiques internationales*, 1975. "Les nullités du droit des gens", *Droit international*, Institut des hautes études internationales de Paris, 1981; "Relations internationales de droit privé en l'absence de reconnaissance d'un Etat, d'un gouvernement ou d'une situation", *Recueil des cours*, Hague Academy of International Law, Vol. 192, 1985; *The Antarctic Environment and International Law* (published in collaboration with Ph. Sands), 1992; *Droit de la Communauté européenne*, 1996, 2nd ed., 2000; *Public International Law*, 2000; *Le droit international des immunités: contestation ou consolidation?* (ed.), 2004; and over 150 legal articles, commentaries or essays in various Belgian or foreign publications or collective works including: "Contrats entre Etats et ressortissants d'autres Etats", *Le contrat économique international, Stabilité et évolution, VIIes Journées d'études juridiques Jean Dabin*, 1975; "L'Etat et l'ordre juridique international. Remarques", *RGDIP*, 1978; "Droit international des contrats et droit des gens", *RBDI*, 1978-1979; "La notion d'applicabilité directe du droit international", *RBDI*, 1980; "Sanctions internationales et communautés européennes. A propos de l'affaire des îles Falkland (Malvinas)", *Cah. dr. europ.*, 1984; "Sur les conflits de lois en droit des gens", *Journal du droit international*, 1984; "Le droit, le juge et la violence. Les arrêts Nicaragua *v.* United States", *Rev. gén. dr. int. public*, 1987; "Sur la Palestine en droit international privé, note sous AG Neumünster", *Revue critique de droit international privé*, 1988; "Etats alliés ou Nations Unies. L'ONU face au conflit entre l'Irak et le Koweit", *AFDI*, 1990; "Sur la récupération à l'étranger des sommes détournées par d'anciens chefs d'Etat", *Mélanges Lalive, Helbing et Lichtenhahn, Bâle-Francfort*, 1993; "Les citoyens de l'Europe", *Annales dr. Louvain*, 1993; "Sovereign States: A Collectivity or a Community?", *Hitotsubashi Journal of Law and Politics*, 1994; "La reconnaissance internationale: déclin ou renouveau?", *AFDI*, 1993; "Human Rights, Intervention and Universality", *Hungdah Chiu et al.*, *Proceedings of the International Law Association (ILA), First Asian-Pacific Regional Conference*, 1995; "Les principales étapes de la protection internationale des minorités", *Rev. trim. Dr. H.*, 1997; "L'application ou la prise en considération des directives communautaires en droit belge, note sous Cass., 2 Dec. 1996", *Rev. crit. j. b.*, 1998; "La Communauté européenne et la sanction internationale de la démocratie et des droits de l'homme", *Liber Amicorum Mohammed Bedjaoui*, 1999; "Jus Cogens and Reservation or 'Counter-Reservations' to the Jurisdiction of the International Court of Justice", in K. Wellens (ed.), *International Law: Theory and Practice, Essays in Honour of E. Suy*, 1998; "Mr. Pinochet, la coutume internationale et la compétence universelle, note sous Civ. Bruxelles, 6 Nov. 1998", *JT*, 1999. "Vers un ordre repressif universal? Quelques observations", *AFDI*, 1999; "Les conceptions et les implications du temps en droit international", SFDI, *Le droit international et le temps*, 2001; "Les immunités de jurisdiction et exécution du chef d'Etat et du governement en droit international, *Ann, IDI*, Vol. 69; "Patrimoine culturel et droit international", *Cursos Euromediteráneas Bancaja de derecho international*, Vol. V, 2001; "Les 'étirements' de la légitime défense", *AFDI*, 2002; *Article 21 of the Rome Statute and the Ambiguities of Applicable Law*, 2002; *Pour une critique de la compétence universelle*, 2004; "Jura Novit Curia et le juge international", *Essays in Honour of Christian Tomuschat*, 2006.

Judge *ad hoc* Raúl Emilio VINUESA

(Judge *ad hoc* in the case concerning *Pulp Mills on the River Uruguay (Argentina* v. *Uruguay)*)

Born 30 March 1943.

Diploma in International Law, Jesus College Fellow, University of Cambridge, Faculty of Law (1976); Diploma in European Studies, Europa Instituut, University of Amsterdam (1974); Master in Law, LL.M., Harvard Law School, Harvard University (1970); Master of

Arts, The Fletcher School of Law and Diplomacy, Tufts University (1968); Abogacía (Law Degree), Facultad de Derecho y Ciencias Sociales, Universidad de Buenos Aires (1966).

Full Professor of Public International Law and Full Professor of Human Rights (since 1984), Assistant Professor (1972-1982), Deputy Director of Instituto de Derecho Internacional (1979-1982), Facultad de Derecho y Ciencias Sociales, Universidad de Buenos Aires (UBA); Full Professor of International Law (since 1972), Chairman of the Academic Advisory Board (1987-1990), National Institute for Foreign Service (ISEN), Ministry of Foreign Affairs of Argentina; Full Professor of Law of the Sea and International Humanitarian Law (since 1978) at the Escuela de Guerra Naval, Argentine Navy; Full Professor of International Law (1984-1990), Director of the International Relations and Political Science School (1990-1991), Facultad de Derecho, Universidad de Belgrano; Visiting Professor on International Law (Public and Private) (1995-2005), Universidad Torcuato Di Tella; Visiting Professor on International Law (Public and Private) (since 1995) at the Universidad de San Andrés; Member of the Advisory Council, International Law Department, Faculty of Law of the Universidad Austral; Visiting Professor on International Organizations (since 1994) at the Facultad Latino Americana de Ciencias Sociales (FLACSO); President (since 1992) of the Centro de Estudios Internacionales de Buenos Aires (CEIBA).

Lawyer, Buenos Aires Bar, Vinuesa & Associates (since 1990), legal counsel on Foreign Litigation and Arbitration at the International Chamber of Commerce (ICC), at *ad hoc* arbitration tribunals and at the International Centre for the Settlement of Investment Disputes (ICSID) *(Emilio A. Maffezini* v. *Kingdom of Spain, Sociedad Anonima Eduardo Vieira* v. *Republic of Chile)*; President of the Mercosur *ad hoc* Arbitration Tribunal, case concerning *Discriminatory Measures and Restrictions to the Commerce of Tobacco between the Oriental Republic of Uruguay and the Federative Republic of Brazil* (March 2005); Member of the Group of Experts on Settlement of Disputes between States and Investors, Secretariat of the United Nations Conference on Commerce and Development (UNCTAD), Geneva (since October 2004); President of the Arbitral Tribunal in the case *M.C.I. Power Group, L.C. New Turbine, Inc.* v. *The Republic of Ecuador* (since September 2003); Member of the List of Arbitrators appointed by the Permanent Commission of the International Movement of the Red Cross (since January 2001); Member of the Panel of Arbitrators, International Centre for Settlement of Investment Disputes, World Bank, Washington; Former Adviser to the Ministry of Foreign Affairs of Argentina on International Commercial Arbitration and Foreign Litigation (October 1997-March 2001); Member of the Committee on Environmental Law, International Union for the Conservation of Nature (IUCN) (since 1993); Member of the Group of Experts of the International Committee of the Red Cross on Environmental Law and Humanitarian Law (1992-1994), on Maritime Warfare (1993-1995) and on Customary Rules of International

Humanitarian Law (1996-1999); Member of the National Committee for the United Nations Decade of International Law, Ministry of Foreign Affairs (1993-2001); Former Legal Advisor on International Human Rights issues to the Ministry of Justice, Dirección General de Asuntos Institucionales (1993-1996); Member of the National Committee on Human Rights, Ministry of Foreign Affairs of Argentina, responsible for the drafting of guidelines on Human Rights Foreign Policy, Member of the Argentine Delegation to the United Nations Conference on Human Rights in Vienna (1993); Former Advisor to the Ministry of Foreign Affairs (1984-1989) with responsibilities in dealing with diplomatic protection issues and foreign litigation as council of the Argentine Government at foreign courts; Secretary Commissioner at the Comisión Nacional de Limites Inter-Provinciales (National Commission on Provincial Boundaries), Ministry of Interior of Argentina (1978-1983) with responsibilities on the drafting of legal proposals for the settlement of boundary disputes.

Member of the Instituto de Derecho Internacional of the National Academy of Law and Social Sciences of the Republic of Argentina (since August 2004); Associate Member of the Institut de droit international, elected at the Berlin Session of the Institut (August 1999); Full Member of the Instituto Hispano-Luso-Americano de Derecho Internacional, elected at the Manila Session; Elected as Director of the Instituto in Quito (since 2004); Member of the Board of the Asociación Argentina de Derecho Comparado (Argentine Association of Comparative Law); Full Member of the Asociación Argentina de Derecho Internacional (Argentine International Law Association); Member of the Board of the Argentine Branch of the International Law Association; Vice-President of the International Law Group of the Instituto de Estudios Legislativos de la Federación de Colegios de Abogados (Federal Bar Association of Argentina); President of the Centro de Estudios Internacionales de Buenos Aires; Member of the Harvard Law Association, the American Society of International Law, the Inter-American Bar Association and the British Institute of International and Comparative Law.

Author of numerous publications on international law. Participated in numerous conferences and seminars on international law.

Judge *ad hoc* James L. KATEKA

(Judge *ad hoc* in the case concerning *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo* v. *Uganda)*)

Born on 25 April 1945 in Karagwe District, Tanzania.

Bachelor of Laws Degree with Honours, University College Dar es Salaam of the University of East Africa (1970); Master of Laws (specializing in international law), King's College, University of London (1974).

Judge at the International Tribunal for the Law of the Sea (ITLOS) (2005-2014); Member of the United Nations International Law Commission (1997-2006); Vice Chairman (2002), Chairman of the Drafting Committee (2003); Partner in the law firm of South Law Chambers, Dar es Salaam.

Legal Officer in the Protocol and Treaties Division (1970-1973), Ministry of Foreign Affairs of Tanzania; Head of the Legal Section (1973-1975); Legal Adviser, Tanzania Mission to the United Nations in New York (1976-1980); Head, Treaties Section of the MFA (1980-1983); Director (Legal Adviser), Legal Department of the MFA (1983-1989); Ambassador of Tanzania to the Federal Republic of Germany (1989-1994) with concurrent accreditation to Austria, the Holy See, Poland, Romania and Switzerland; Ambassador to the Russian Federation (1994-1998); Ambassador to Sweden (1998-2005) with concurrent accreditation to the other Nordic countries of Denmark, Finland, Norway and Iceland and to the Baltic Republics of Estonia, Latvia and Lithuania; Dean of the diplomatic corps, Stockholm (2003-2005); Dean of Tanzania's Ambassadors (2004-2005).

Deliberations, United Nations Committee on the Peaceful Uses of the Seabed and the Ocean Floor beyond the Limits of National Jurisdiction (1971-1973); delegate to the Third United Nations Conference on the Law of the Sea (1973-1982); representative to the Sixth (Legal) Committee of the United Nations General Assembly (1976-1988 and 1996); delegate to the United Nations Preparatory Commission for the International Seabed Authority and the International Tribunal for the Law of the Sea in Kingston, Jamaica (1983-1994); delegate to the Stockholm Conference on the Human Environment (1972), London Conference on the Anti-Dumping Convention (1972), IMO Conference that adopted the Marine Pollution Convention (1973); head of delegation to the Diplomatic Conference on Territorial Asylum in Geneva (1977); delegate, Conference that adopted the Vienna Convention on Succession of States in Respect of Treaties (1977-1978); delegate to the Nairobi Conference that adopted the Convention for the Protection, Management and Development of the Marine Environment of the Eastern African Region (1985); Member, UNEP Group of Experts on Environmental Dispute Avoidance and Settlement (1998-1999); participant, UNEP Meeting of Experts on Liability and Compensation for Environmental Damage, Geneva (2002); delegate, Commonwealth Heads of Government Meeting, New Delhi, (1983); United Nations Conference on Women, Nairobi (1985); 25th session of the Asian-African Legal Consultative Committee, Arusha, (1985); Acting Chairman, (1976) UN Sanctions Committee on Southern Rhodesia under Security Council resolution 253 (1968); Rapporteur, *Ad hoc* Committee on International Terrorism (1977-1979); representative, Special Committee on the Charter, UNCITRAL, the *ad hoc* Committee on the Indian Ocean as a zone of peace, the *ad hoc* committee against the taking of hostages, the non-use of force committee (1976-1980); delegate to the first and second special

Protection in Archipelagic Seas and International Straits: The Role of the International Maritime Organisation", *Int'l J. Marine & Coastal L*, Vol. 10, 1995, *Proceedings of the Law of the Sea Institute*, Vol. 29, 1996; "The Rule of Law and the United Nations Convention on the Law of the Sea", *Eur. J. Int'l L.*, Vol. 7, 1996; "The International Commons, The International Public Interest and New Modes of Law-Making", *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht*, 1996; "Human Rights and the United Nations Convention on the Law of the Sea", *Politics, Values and Functions, International Law in the 21st Century, Essays in Honor of Professor Louis Henkin*, 1997; "Transit of Straits and Archipelagic Waters by Military Aircraft", *Singapore J. Int'l & Comp. L.*, Vol. 4, 2000; "Complementary Agreements and Compulsory Jurisdiction", *AJIL*, Vol. 95, 2001; "Un Droit de confisquer? L'obligation de prompte mainlevée des navires" (with Vincent Bantz), in *La Mer et son droit, Mélanges offerts à Laurent Lucchini et Jean-Pierre Quéneudec*, 2003.

Awarded the Navy Commendation Medal (1965); Francis Deak Award, American Society of International Law (1978); Provost's Award for Scholarly Activity, University of Miami (1999).

Judge *ad hoc* P. Sreenivasa RAO

(Judge *ad hoc* in the case concerning *Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge (Malaysia/Singapore)*)

Born 28 April 1942.

Bachelor of Arts, Andhra University (1959). Master of Laws (International Law), Andhra University (1964). Master of Laws (LL.M.), Yale Law School (1968). Doctor of Laws (J.S.D.), Yale Law School (1970). Research Associate, Indian School of International Studies, New Delhi (1965-1967). Recipient of Yale Law School Fellowship (1967-1970). Fellow, Woodrow Wilson International Center for Scholars, Washington, D.C. (1971-1972). Recipient of Rockefeller Foundation Fellowship (1973-1974). Fellow, Marine Policy Programme, Woods Hole Oceanographic Institution, Woods Hole, Massachusetts (1972-1974). Visiting Professor, University of Michigan Law School, Ann Arbor, Michigan (2003). Guest Fellow, Max-Planck-Institut für Ausländisches Öffentliches und Volkerrecht, Heidelberg, Germany (February-April 2006).

Deputy Director, Legal and Treaties Division, Ministry of External Affairs, Government of India (1975-1982). Additional Secretary and the Legal Adviser, Ministry of External Affairs, Government of India, New Delhi (June 2001-May 2002). Legal Advisor, Ministry of External Affairs, Government of India (1985-2002).

Co-Agent and advocate for India in the case concerning the *Aerial Incident of 10 August 1999 (Pakistan* v. *India)* before the International Court of Justice (1999-2000).

Member, official team, Indian delegation to the United Nations General Assembly (1982-2002). Legal Adviser, Permanent Mission of India to the United Nations, New York (1982-1985). Coordinator of the Legal Advisors of Foreign Offices of Member States of the United Nations (1992-2002). Leader of Indian delegations to various International Legal Conferences and Bilateral Negotiations between India and other countries. President of the Asian-African Legal Consultative Organization (1998-1999 and 2001-2002).

Member of the International Law Commission (ILC) (1987-2006). Chairman (1995). Chairman of the Drafting Committee of the ILC (1997). Special Rapporteur for the International Law Commission on the subject of international liability (since 1997).

Member of the Editorial Board of the *Indian Journal of International Law*. Member of the Editorial Board of the *Journal of Commonwealth Law and Legal Education*. Associate member of the Institut de droit international (since 1999). Consultant, WIPO (September 2002-October 2004). Chairman of the Panel Discussion on Disarmament, Centennial Celebrations of the First Hague Peace Conference, held at The Hague, Netherlands (1999). Chairman of the Panel Discussion on Peaceful Settlement of Disputes, Centennial Celebrations of the First Hague Peace Conference held at St. Petersburg, Russia (1999).

Vice-President of the Indian Society of International Law (1991-2003). Life member of the Indian Society of International Law.

Submitted several reports to the International Law Commission on the subject of prevention of and international liability for transboundary harm arising from hazardous activities. Published articles in journals of international law and contributed chapters to books on different subjects of international law.

Judge *ad hoc* Auguste Mampuya KANUNK'A-TSHIABO

(Judge *ad hoc* in the case concerning *Ahmadou Sadio Diallo (Republic of Guinea* v. *Democratic Republic of the Congo)*)

Born in Ndemba, province of Kasai-Occidental, Democratic Republic of the Congo, on 13 February 1943.

Licence in law, University of Nancy 2 (1968). *Diplôme d'études supérieures* (DES) in public law, University of Nancy 2 (1969). DES in political science, University of Nancy 2 (1971). European DES (DESE), Centre européen universitaire, University of Nancy 2 (1970). State doctorate in law, with specialization in public international law, University of Nancy 2 (1972).

Assistant in constitutional law, *chargé d'enseignement* (course in international institutions), University of Rheims (1969-1972). Professor in the law faculty of the University of Kinshasa (since 1972), currently graded *professeur ordinaire*; courses in international law. Visiting Professor at the University of Metz, international law and constitutional law

57th Session of the United Nations Human Rights Commission (Geneva). Member of the Congolese Delegation to the 54th Session of the United Nations General Assembly (New York). Resource officer at the Regional Seminar on the Promotion of Economic, Social and Cultural Rights in Africa (Abidjan, Côte d'Ivoire, 1998).

Co-ordinator of the 10th Diplomatic Conference organized by the Ministry of Foreign Affairs and International Co-operation (Kinshasa, December 2002).

Ambassador Extraordinary and Plenipotentiary of the Democratic Republic of the Congo to the European Union (Brussels, since July 2003).

Member of the Association of Professors of the University of Kinshasa, of the Alumni Association of the University of Fribourg and the Alumni Association of the Université de hautes études internationales of Geneva. Former member of the African Society for International and Comparative Law.

CHAPTER III

JURISDICTION OF THE COURT

I. JURISDICTION IN CONTENTIOUS CASES

It is the function of the International Court of Justice to decide in accordance with international law such disputes as are submitted to it (Statute, Art. 38, para. 1). Its jurisdiction in this respect is defined in Article 93 of the Charter of the United Nations and in Articles 34-37 of the Statute of the Court.

1. States Entitled to Appear before the Court

Article 34, paragraph 1, of the Statute provides that: "Only States may be parties in cases before the Court." International organizations, other collectivities and private persons are therefore not entitled to institute proceedings before the Court.

A State entitled to appear before the Court may fall into one of three categories:

(a) *States Members of the United Nations*

Article 35, paragraph 1, of the Statute provides that the Court shall be open to the States parties to the Statute, and Article 93, paragraph 1, of the Charter of the United Nations provides that all Members of the United Nations are *ipso facto* parties to the Statute.

On 31 July 2006 the following 192 States were Members of the United Nations:

State	*Date of Admission*
Afghanistan	19 November 1946
Albania	14 December 1955
Algeria	8 October 1962
Andorra	28 July 1993
Angola	1 December 1976
Antigua and Barbuda	11 November 1981
Argentina	Original Member
Armenia	2 March 1992
Australia	Original Member
Austria	14 December 1955
Azerbaijan	2 March 1992
Bahamas	18 September 1973
Bahrain	21 September 1971
Bangladesh	17 September 1974
Barbados	9 December 1966

(c) *States, not parties to the Statute, to which the Court may be open*

The Court, which is open to States parties to the Statute, is also ope other States, in accordance with Article 35, paragraph 2, of the Statute[1]. Article provides that the conditions upon which the Court shall be ope such States shall, subject to the special provisions contained in treati force, be laid down by the Security Council, but in no case shall conditions place the parties in a position of inequality before the Court

On 15 October 1946, the Security Council adopted resolution 9 (1 which reads as follows:

> "The Security Council
>
> In virtue of the powers conferred upon it by Article 35, p graph 2, of the Statute of the International Court of Justice and ject to the provisions of that Article.
>
> Resolves that:
>
> 1. The International Court of Justice shall be open to a State w is not a party to the Statute of the International Court of Jus upon the following condition, namely, that such State shall viously have deposited with the Registrar of the Court a declara by which it accepts the jurisdiction of the Court, in accordance the Charter of the United Nations and with the terms and subje the conditions of the Statute and Rules of the Court, and undert to comply in good faith with the decision or decisions of the C and to accept all the obligations of a Member of the United Nat under Article 94 of the Charter;
>
> 2. Such declaration may be either particular or general. A ticular declaration is one accepting the jurisdiction of the Cou respect only of a particular dispute or disputes which have alre arisen. A general declaration is one accepting the jurisdiction erally in respect of all disputes or of a particular class or classe disputes which have already arisen or which may arise in future. A State, in making such a general declaration, may, in ac dance with Article 36, paragraph 2, of the Statute, recogniz compulsory, *ipso facto* and without special agreement, the j diction of the Court, provided, however, that such acceptance not, without explicit agreement, be relied upon vis-à-vis States pa to the Statute which have made the declaration in conformity Article 36, paragraph 2, of the Statute of the International C of Justice;
>
> 3. The original declarations made under the terms of this res tion shall be kept in the custody of the Registrar of the Cour accordance with the practice of the Court. Certified true co thereof shall be transmitted, in accordance with the practice of

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[1] See also Rules, Art. 26, para. 1 (*c*), and Art. 41, and below, Chap. VIII, p. 362.

Court, to all States parties to the Statute of the International Court of Justice, and to such other States as shall have deposited a declaration under the terms of this resolution, and to the Secretary-General of the United Nations;

4. The Security Council reserves the right to rescind or amend this resolution by a resolution which shall be communicated to the Court, and on the receipt of such communication and to the extent determined by the new resolution, existing declarations shall cease to be effective except in regard to disputes which are already before the Court;

5. All questions as to the validity or the effect of a declaration made under the terms of this resolution shall be decided by the Court."

In the past, particular declarations have been filed by Albania (1947) and by Italy (1953), and general declarations by Cambodia (1952), Ceylon (1952), the Federal Republic of Germany (1955, 1956, 1961, 1965 and 1971), Finland (1953 and 1954), Italy (1955), Japan (1951), Laos (1952), and the Republic of Viet Nam (1952).

2. *Basis of the Court's Jurisdiction*

The jurisdiction of the Court in contentious proceedings is based on the consent of the States to which it is open[1]. The form in which this consent

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[1] In the following eight cases, the Court found that it could take no further steps upon an Application in which it was admitted that the opposing party did not accept its jurisdiction: *Treatment in Hungary of Aircraft and Crew of United States of America (United States of America* v. *Hungary) (United States of America* v. *USSR); Aerial Incident of 10 March 1953 (United States of America* v. *Czechoslovakia); Antarctica (United Kingdom* v. *Argentina) (United Kingdom* v. *Chile); Aerial Incident of 7 October 1952 (United States of America* v. *USSR); Aerial Incident of 4 September 1954 (United States of America* v. *USSR); Aerial Incident of 7 November 1954 (United States of America* v. *USSR)*. On 1 July 1978 the present Rules of Court came into force, Article 38, paragraph 5, of which provides:

> "When the applicant State proposes to found the jurisdiction of the Court upon a consent thereto yet to be given or manifested by the State against which such application is made, the application shall be transmitted to that State. It shall not however be entered in the General List, nor any action be taken in the proceedings, unless and until the State against which such application is made consents to the Court's jurisdiction for the purposes of the case."

Article 38, paragraph 5, has been applied with regard to an Application filed by Hungary on 23 October 1992, instituting proceedings against the Czech and Slovak Republic, an Application filed by the Federal Republic of Yugoslavia on 16 March 1994, instituting proceedings against the Member States of NATO, an Application filed by Eritrea on 16 February 1999, instituting proceedings against Ethiopia, an Application filed by the Republic of the Congo on 9 December 2002, instituting proceedings against France, and an Application filed by the Republic of Djibouti on 10 January 2006, instituting proceedings against France. As far as the Application filed by the Republic of the Congo against France is concerned, the Respondent consented to the Court's jurisdiction on 11 April 2003. That consent led to the case being entered into the General List with effect from the date of receipt of the consent as *Certain Criminal Proceedings (Republic of the Congo* v. *France)*. In the cases concerning *Legality of Use of Force (Serbia and Montenegro*

is expressed determines the manner in which a case may be brought
the Court.

(a) *Special agreement*

Article 36, paragraph 1, of the Statute provides that the jurisdict
the Court comprises all cases which the parties refer to it. Such
normally come before the Court by notification to the Registry
agreement known as a *special agreement* and concluded by the p
specially for this purpose[1]. The subject of the dispute and the parties
be indicated (Statute, Art. 40, para. 1; Rules, Art. 39).

(b) *Cases provided for in treaties and conventions*

Article 36, paragraph 1, of the Statute provides also that the jurisd
of the Court comprises all matters specially provided for in treatie
conventions in force. In such cases a matter is normally brought
the Court by means of a written *application instituting proceedings*[2];
a unilateral document which must indicate the subject of the disput
the parties (Statute, Art. 40, para. 1) and, as far as possible, speci
provision on which the applicant founds the jurisdiction of the
(Rules, Art. 38).

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v. *France) (Serbia and Montenegro* v. *Germany) (Serbia and Montenegro* v. *Italy)*
and Montenegro v. *United States of America),* Serbia and Montenegro (formerly
Yugoslavia) referred to Article IX of the Genocide Convention of 1948 and to Art
paragraph 5, of the Rules of Court as bases for the jurisdiction of the Court. Th
were entered in the General List on the basis of the reference to Article IX of the G
Convention.

[1] The following 16 cases were submitted to the Court by means of special agre
Asylum (Colombia/Peru); Minquiers and Ecrehos (France/United Kingdom); Sove
over Certain Frontier Land (Belgium/Netherlands); North Sea Continental Shelf (
Republic of Germany/Denmark; Federal Republic of Germany/Netherlands); Con
Shelf (Tunisia/Libyan Arab Jamahiriya); Delimitation of the Maritime Boundary in
of Maine Area (Canada/United States of America) (case referred to a Chamber); *Con*
Shelf (Libyan Arab Jamahiriya/Malta); Frontier Dispute (Burkina Faso/Republic o
(case referred to a Chamber); *Land, Island and Maritime Frontier Dispute (El Sa*
Honduras) (case referred to a Chamber); *Territorial Dispute (Libyan Arab Jam*
Chad); Gabčíkovo-Nagymaros Project (Hungary/Slovakia); Kasikili/Sedudu
(Botswana/Namibia); Sovereignty over Pulau Ligitan and Pulau Sipadan (In
Malaysia); Frontier Dispute (Benin/Niger); Sovereignty over Pedra Branca/Pula
Puteh, Middle Rocks and South Ledge (Malaysia/Singapore). In the *Corfu Channel*
Kingdom v. *Albania)* case the Parties made a special agreement after delivery
Judgment on the Preliminary Objection. The case concerning the *Arbitral Award M*
the King of Spain on 23 December 1906 (Honduras v. *Nicaragua)* was submitted by
of an application, but the Parties had previously concluded an agreement on the pr
to be followed in submitting the dispute to the Court.

[2] With the exception of the 16 cases listed on page 101, footnote 2, which were
by the notification of a special agreement, all contentious cases have been brought
the Court by means of an application instituting proceedings, irrespective of whet
Court's jurisdiction was founded on a provision in a treaty or convention, decla
recognizing the Court's jurisdiction as obligatory made by each of the parties to the
or any other alleged form of consent.

A list of treaties and conventions governing the jurisdiction of the International Court of Justice in contentious cases is given in Chapter IV (Sec. III) of the present *Yearbook* (pp. 174-195). Furthermore, some of the agreements and conventions mentioned in Section I of Chapter IV (pp. 123-127) relate, in particular, to the jurisdiction of the Court in contentious proceedings.

To these instruments must be added other treaties and conventions concluded earlier and conferring jurisdiction upon the *Permanent Court of International Justice*, for Article 37 of the Statute of the International Court of Justice stipulates that whenever a treaty or convention in force provides for reference of a matter to a tribunal to have been instituted by the League of Nations, or to the *Permanent Court of International Justice*, the matter shall, as between the parties to the Statute, be referred to the International Court of Justice. The *Permanent Court* reproduced, in 1932, in its *Collection of Texts governing the Jurisdiction of the Court* (*P.C.I.J., Series D, No. 6*, fourth edition) and subsequently in Chapter X of its *Annual Reports (P.C.I.J., Series E, Nos. 8-16)* the relevant provisions of the instruments governing its jurisdiction. By virtue of the Article referred to above, some of these provisions now govern the jurisdiction of the International Court of Justice.

(c) *Compulsory jurisdiction in legal disputes*

The Statute provides that a State may recognize as compulsory, in relation to any other State accepting the same obligation, the jurisdiction of the Court in legal disputes. These cases are brought before the Court by means of written applications. The conditions on which such compulsory jurisdiction may be recognized are stated in paragraphs 2-5 of Article 36 of the Statute, which read as follows:

> "2. The States parties to the present Statute may at any time declare that they recognize as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the Court in all legal disputes concerning:
>
> *(a)* the interpretation of a treaty;
> *(b)* any question of international law;
> *(c)* the existence of any fact which, if established, would constitute a breach of an international obligation;
> *(d)* the nature or extent of the reparation to be made for the breach of an international obligation.
>
> 3. The declarations referred to above may be made unconditionally or on condition of reciprocity on the part of several or certain States, or for a certain time.
>
> 4. Such declarations shall be deposited with the Secretary-General of the United Nations, who shall transmit copies thereof to the parties to the Statute and to the Registrar of the Court.

State	*Date of Ad*
Belarus	Original M
Belgium	,,
Belize	25 Septem
Benin	20 Septem
Bhutan	21 Septem
Bolivia	Original M
Bosnia and Herzegovina	22 May 19
Botswana	17 Octobe
Brazil	Original M
Brunei Darussalam	21 Septem
Bulgaria	14 Decem
Burkina Faso	20 Septem
Burundi	18 Septem
Cambodia	14 Decem
Cameroon	20 Septem
Canada	Original M
Cape Verde	16 Septem
Central African Republic	20 Septem
Chad	,,
Chile	Original M
China	,,
Colombia	,,
Comoros	12 Novem
Congo	20 Septem
Costa Rica	Original M
Côte d'Ivoire	20 Septem
Croatia	22 May 19
Cuba	Original M
Cyprus	20 Septem
Czech Republic	19 January
Democratic People's Republic of Korea	17 Septem
Democratic Republic of the Congo	20 Septem
Denmark	Original M
Djibouti	20 Septem
Dominica	18 Decem
Dominican Republic	Original M
Ecuador	,,
Egypt	,,
El Salvador	,,
Equatorial Guinea	12 Novem
Eritrea	28 May 19
Estonia	17 Septem
Ethiopia	Original M
Fiji	13 Octobe
Finland	14 Decem
France	Original M

State	*Date of Admission*
Gabon	20 September 1960
Gambia	21 September 1965
Georgia	31 July 1992
Germany	18 September 1973
Ghana	8 March 1957
Greece	Original Member
Grenada	17 September 1974
Guatemala	Original Member
Guinea	12 December 1958
Guinea-Bissau	17 September 1974
Guyana	20 September 1966
Haiti	Original Member
Honduras	,, ,,
Hungary	14 December 1955
Iceland	19 November 1946
India	Original Member
Indonesia	28 September 1950
Iran (Islamic Republic of)	Original Member
Iraq	,, ,,
Ireland	14 December 1955
Israel	11 May 1949
Italy	14 December 1955
Jamaica	18 September 1962
Japan	18 December 1956
Jordan	14 December 1955
Kazakhstan	2 March 1992
Kenya	16 December 1963
Kiribati	14 September 1999
Kuwait	14 May 1963
Kyrgyzstan	2 March 1992
Lao People's Democratic Republic	14 December 1955
Latvia	17 September 1991
Lebanon	Original Member
Lesotho	17 October 1966
Liberia	Original Member
Libyan Arab Jamahiriya	14 December 1955
Liechtenstein	18 September 1990
Lithuania	17 September 1991
Luxembourg	Original Member
Madagascar	20 September 1960
Malawi	1 December 1964
Malaysia	17 September 1957
Maldives	21 September 1965
Mali	28 September 1960
Malta	1 December 1964
Marshall Islands	17 September 1991

State	*Date of Admission*
Mauritania	27 October 1961
Mauritius	24 April 1968
Mexico	Original Member
Micronesia (Federated States of)	17 September 1991
Monaco	28 May 1993
Mongolia	27 October 1961
Montenegro	28 June 2006[1]
Morocco	12 November 1956
Mozambique	16 September 1975
Myanmar	19 April 1948
Namibia	23 April 1990
Nauru	14 September 1999
Nepal	14 December 1955
Netherlands	Original Member
New Zealand	„ „
Nicaragua	„ „
Niger	20 September 1960

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[1] By letter of 7 June 2006, the Office of Legal Affairs of the United Nations informed the Court that the Permanent Representative of Serbia and Montenegro to the United Nations in New York had requested on 3 June 2006 that the name "Serbia" be used as the official name of the Republic of Serbia within the United Nations. The Office of Legal Affairs also transmitted to the Court a copy of a letter dated 3 June 2006 whereby the President of the Republic of Serbia informed the Secretary-General of the United Nations that, following the Declaration of Independence adopted by the National Assembly of Montenegro on 3 June 2006, "the membership of the state union Serbia and Montenegro in the United Nations, including all organs and organizations of the United Nations system, [would be] continued by the Republic of Serbia on the basis of Article 60 of the Constitutional Charter of Serbia and Montenegro". By a Note Verbale dated 6 June 2006, the Secretary-General transmitted to the Permanent Representatives of all Member States of the United Nations a copy of the communications from the Permanent Representative of Serbia and Montenegro and from the President of the Republic of Serbia. In his Note Verbale, the Secretary-General apprised Member States of the steps that were being taken to inform all organs and organizations of the United Nations system of the situation.

On 21 June 2006, the Office of Legal Affairs transmitted to the Court a letter dated 16 June 2006 whereby the Minister for Foreign Affairs of the Republic of Serbia informed the Secretary-General, *inter alia*, that "[t]he Republic of Serbia continue[d] to exercise its rights and honour its commitments deriving from international treaties concluded by Serbia and Montenegro" and requested that "the Republic of Serbia be considered a party to all international agreements in force, instead of Serbia and Montenegro". Furthermore, on 28 June 2006, by its resolution 60/264, the General Assembly admitted the Republic of Montenegro as a new Member of the United Nations.

On 19 July 2006, the Office of Legal Affairs transmitted to the Court a letter dated 30 June 2006 addressed to the Secretary-General by the Minister for Foreign Affairs of the Republic of Serbia under cover of a Note Verbale of 3 July 2006 from the Permanent Mission of the Republic of Serbia to the United Nations. By his letter, the Minister confirmed the intention of the Republic of Serbia to continue to exercise its rights and honour its commitments deriving from international treaties concluded by Serbia and Montenegro, with effect from 3 June 2006; he specified that all declarations, reservations and notifications made by Serbia and Montenegro would therefore continue in force with respect to the Republic of Serbia, unless the Secretary-General, as depositary, were notified otherwise.

State	*Date of Admission*
igeria	7 October 1960
orway	Original Member
man	7 October 1971
akistan	30 September 1947
alau	15 December 1994
anama	Original Member
apua New Guinea	10 October 1975
araguay	Original Member
eru	,, ,,
hilippines	,, ,,
oland	,, ,,
ortugal	14 December 1955
atar	21 September 1971
epublic of Korea	17 September 1991
epublic of Moldova	2 March 1992
omania	14 December 1955
ussian Federation	Original Member
wanda	18 September 1962
aint Kitts and Nevis	23 September 1983
aint Lucia	18 September 1979
aint Vincent and the Grenadines	16 September 1980
amoa	15 December 1976
an Marino	2 March 1992
ao Tome and Principe	16 September 1975
audi Arabia	Original Member
enegal	28 September 1960
erbia	1 November 2000[1]
eychelles	21 September 1976
ierra Leone	27 September 1961
ingapore	21 September 1965
lovakia	19 January 1993
lovenia	22 May 1992
olomon Islands	19 September 1978
omalia	20 September 1960
outh Africa	Original Member
pain	14 December 1955
ri Lanka	,, ,,
udan	12 November 1956
uriname	4 December 1975
waziland	24 September 1968
weden	19 November 1946
witzerland	10 September 2002
yrian Arab Republic	Original Member
ajikistan	2 March 1992

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[1] See footnote 1, p. 110, above.

State	*Date of Admission*
Thailand	16 December 1946
The former Yugoslav Republic of Macedonia	8 April 1993
Timor-Leste	27 September 2002
Togo	20 September 1960
Tonga	14 September 1999
Trinidad and Tobago	18 September 1962
Tunisia	12 November 1956
Turkey	Original Member
Turkmenistan	2 March 1992
Tuvalu	5 September 2000
Uganda	25 October 1962
Ukraine	Original Member
United Arab Emirates	9 December 1971
United Kingdom of Great Britain and Northern Ireland	Original Member
United Republic of Tanzania	14 December 1961
United States of America	Original Member
Uruguay	" "
Uzbekistan	2 March 1992
Vanuatu	15 September 1981
Venezuela	Original Member
Viet Nam	20 September 1977
Yemen	30 September 1947
Zambia	1 December 1964
Zimbabwe	25 August 1980

(b) *States, not members of the United Nations, parties to the Statute*[1]

Article 93, paragraph 2, of the Charter of the United Nations provides that States which are not members of the United Nations may become parties to the Statute of the Court on conditions to be determined in each case by the General Assembly upon the recommendation of the Security Council[2].

The conditions laid down have hitherto been the same in each case. They were laid down for the first time as a result of a request by the Swiss Federal Council; on that occasion the General Assembly, on 11 December 1946, adopted resolution 91 (I) which prescribed the following conditions:

> "*(a)* Acceptance of the provisions of the Statute of the International Court of Justice;
>
> *(b)* Acceptance of all the obligations of a Member of the United Nations under Article 94 of the Charter;

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[1] The full text of the resolutions referred to in this section is given on pages 175-183 of *I.C.J. Acts and Documents No. 5.*

[2] Before becoming Members of the United Nations, Japan, Liechtenstein, San Marino, Nauru and Switzerland were parties to the Statute of the Court, as from 2 April 1954, 29 March 1950, 18 February 1954, 29 January 1988 and 28 July 1948, respectively.

> *(c)* An undertaking to contribute to the expenses of the Court such equitable amount as the General Assembly shall assess from time to time after consultation with the Swiss Government."[1]

The date on which the State concerned becomes a party to the Statute is that of the deposit with the Secretary-General of the United Nations of the instrument of acceptance of the conditions.

Pursuant to Article 4, paragraph 3, of the Statute, the conditions on which such a State may participate in the election of Members of the Court were laid down in resolution 264 (III) adopted by the General Assembly, upon the recommendation of the Security Council, on 8 October 1948. The operative part of this resolution lays down that:

> "1. Such a State shall be on an equal footing with the Members of the United Nations in respect to those provisions of the Statute which regulate the nominations of candidates for election by the General Assembly.
>
> 2. Such a State shall participate, in the General Assembly, in electing the members of the Court in the same manner as the Members of the United Nations.
>
> 3. Such a State, when in arrears in the payment of its contribution to the expenses of the Court, shall not participate in electing the members of the Court in the General Assembly if the amount of its arrears equals or exceeds the amount of the contribution due from it for the preceding two full years. The General Assembly may, nevertheless, permit such a State to participate in the elections if it is satisfied that the failure to pay is due to conditions beyond the control of that State (see Charter, Article 19)."

The participation of such States in the procedure for amending the Statute of the Court (Charter, Art. 108; Statute, Art. 69) is governed by the following provisions of resolution 2520 (XXIV) adopted by the General Assembly, upon the recommendation of the Security Council, on 4 December 1969:

> "*(a)* A State which is a party to the Statute of the International Court of Justice, but is not a Member of the United Nations, may participate in the General Assembly in regard to amendments to the Statute in the same manner as the Members of the United Nations;
>
> *(b)* Amendments to the Statute of the International Court of Justice shall come into force for all States which are parties to the Statute when they have been adopted by a vote of two-thirds of the States which are parties to the Statute and ratified in accordance with their respective constitutional processes by two-thirds of the States which are parties to the Statute and in accordance with the provisions of Article 69 of the Statute and Article 108 of the Charter of the United Nations."

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[1] See below, Chap. VIII, p. 337.

5. Declarations made under Article 36 of the Statute of the Permanent Court of International Justice and which are still in force shall be deemed, as between the parties to the present Statute, to be acceptances of the compulsory jurisdiction of the International Court of Justice for the period which they still have to run and in accordance with their terms."

Texts of declarations accepting the compulsory jurisdiction of the Court are given in Section II of Chapter IV below (pp. 127-174).

(d) *The Court itself decides any question as to its jurisdiction*

Article 36, paragraph 6, of the Statute provides that in the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court. Article 79 of the Rules lays down the conditions which govern the filing of preliminary objections[1].

(e) *Interpretation of a judgment*

Article 60 of the Statute provides that in the event of dispute as to the meaning or scope of a judgment, the Court shall construe it upon the request of any party. The request for interpretation may be made either by means of a special agreement between the parties or of an application by one or more of the parties (Rules, Art. 98)[2].

(f) *Revision of a judgment*

An application for revision of a judgment may be made only when it is based upon the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judgment was given, unknown to the Court and also to the party claiming revision, always provided that such party's ignorance was not due to negligence (Statute, Art. 61, para. 1). A request for revision is made by means of an application (Rules, Art. 99)[3].

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[1] See below, Chap. V, Sec. III, part 3, pp. 213-214.

[2] An application for interpretation of the Judgment was made by Colombia in respect of the *Asylum (Colombia/Peru)* case, by Tunisia (along with an application for revision) in respect of the Judgment delivered by the Court on 24 February 1982 in the case concerning the *Continental Shelf (Tunisia/Libyan Arab Jamahiriya)*, and by Nigeria in respect of the Court's Judgment on preliminary objections of 11 June 1998 in the case concerning the *Land and Maritime Boundary between Cameroon and Nigeria (Cameroon* v. *Nigeria)*.

[3] An application for revision and interpretation of the Judgment was filed by Tunisia in respect of the case concerning the *Continental Shelf (Tunisia/Libyan Arab Jamahiriya)*. An application for revision of the Court's Judgment on preliminary objections of 11 July 1996 was filed by Yugoslavia in the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina* v. *Yugoslavia)*. An application for revision of the Judgment of 11 September 1992 was filed by El Salvador in the case concerning the *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening)*.

II. Advisory Jurisdiction

The advisory jurisdiction of the Court is governed by Article 65 of the Statute and Article 96 of the Charter of the United Nations.

By virtue of Article 65 of the Statute, the Court may give an advisory opinion on any legal question at the request of whatever body may be authorized by or in accordance with the Charter of the United Nations to make such a request. An exact statement of the questions upon which the advisory opinion is asked must be contained in a *request for an advisory opinion.*

Article 96, paragraph 1, of the Charter provides that advisory opinions may be asked of the Court by the General Assembly or the Security Council on any legal question. Paragraph 2 of this Article adds:

> "Other organs of the United Nations and specialized agencies, which may at any time be so authorized by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities."

The following organs and agencies are at present authorized to request advisory opinions[1]:

United Nations:
General Assembly[2],
Security Council[3],
Economic and Social Council[4],

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[1] The International Refugee Organization, which had been authorized to request advisory opinions of the Court, ceased to exist in 1952. The Havana Charter for an International Trade Organization, which provides for the jurisdiction of the Court in proceedings in regard to advisory opinions, has not entered into force.

[2] The General Assembly has requested 15 advisory opinions of the Court in the following 14 cases: *Conditions of Admission of a State to Membership in the United Nations (Article 4 of the Charter); Reparation for Injuries Suffered in the Service of the United Nations; Interpretation of Peace Treaties with Bulgaria, Hungary and Romania, First Phase;* idem, *Second Phase; Competence of the General Assembly for the Admission of a State to the United Nations; International Status of South West Africa; Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide; Effect of Awards of Compensation Made by the United Nations Administrative Tribunal; Voting Procedure on Questions Relating to Reports and Petitions concerning the Territory of South West Africa; Admissibility of Hearings of Petitioners by the Committee on South West Africa; Certain Expenses of the United Nations (Article 17, Paragraph 2, of the Charter); Western Sahara; Applicability of the Obligation to Arbitrate under Section 21 of the United Nations Headquarters Agreement of 26 June 1947; Legality of the Threat or Use of Nuclear Weapons; Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory.*

[3] The Security Council requested an advisory opinion of the Court concerning the *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970).*

[4] The Economic and Social Council requested an advisory opinion of the Court in two cases: *Applicability of Article VI, Section 22, of the Convention on the Privileges and Immunities of the United Nations* and *Difference Relating to Immunity from Legal Process of a Special Rapporteur of the Commission on Human Rights.*

Trusteeship Council,
Interim Committee of the General Assembly;
International Labour Organization;
Food and Agriculture Organization of the United Nations;
United Nations Educational, Scientific and Cultural Organization[1];
World Health Organization[2];
International Bank for Reconstruction and Development;
International Finance Corporation;
International Development Association;
International Monetary Fund;
International Civil Aviation Organization;
International Telecommunication Union;
International Fund for Agricultural Development;
World Meteorological Organization;
International Maritime Organization[3];
World Intellectual Property Organization;
United Nations Industrial Development Organization;
International Atomic Energy Agency.

In Section I of Chapter IV of the present *Yearbook* (pp. 121-127) wil be found references to the instruments by virtue of which such request may be submitted by the above organs and agencies.

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[1] The Executive Board of Unesco requested an advisory opinion of the Court concernin *Judgments of the Administrative Tribunal of the ILO upon Complaints Made against Unesco*

[2] The World Health Assembly requested an advisory opinion of the Court in two cases *Interpretation of the Agreement of 25 March 1951 between the WHO and Egypt* and *Legalit of the Use by a State of Nuclear Weapons in Armed Conflict*.

[3] The Assembly of this organization requested an advisory opinion of the Court concerning the *Constitution of the Maritime Safety Committee of the Inter-Governmental Maritim Consultative Organization.*

CHAPTER IV

TEXTS GOVERNING THE JURISDICTION OF THE COURT

The present chapter, which is compiled from the information available to the Registry, presents a compendium of instruments governing the jurisdiction of the Court. It takes into account, so far as the Registry is informed of them, any amendments to those instruments which have affected their provisions concerning the jurisdiction of the Court. The inclusion or omission of any instrument should not be regarded as an indication of any view entertained by the Registry, or *a fortiori* by the Court, regarding the nature, scope or validity of the instrument in question.

I. INSTRUMENTS GOVERNING THE RELATIONSHIP OF ORGANS OF THE UNITED NATIONS AND INTERNATIONAL ORGANIZATIONS WITH THE COURT

This section lists provisions for the contentious or advisory jurisdiction of the Court in the following categories of instruments: constitutional texts of public international organizations; agreements concluded between the United Nations and other international organizations; authorizations accorded by the General Assembly of the United Nations to other organs of the United Nations or to international organizations by virtue of Article 96, paragraph 2, of the Charter[1]; multilateral conventions relating to the privileges and immunities of world-wide international organizations; agreements concluded by international organizations with States.

1. United Nations

Authorization to the *General Assembly* and the *Security Council* to request advisory opinions of the International Court of Justice: Charter, Article 96, paragraph 1.

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[1] By resolution 957 (X) of 8 November 1955 the General Assembly, amending the Statute of the United Nations Administrative Tribunal (Art. 11), authorized the *Committee on Applications for Review of Judgements of the United Nations Administrative Tribunal* to request advisory opinions of the International Court of Justice. By resolution 50/54 of 11 December 1995, the General Assembly amended the Tribunal's Statute again, *inter alia* deleting Article 11 with respect to Judgements rendered after 31 December 1995.

Authorization to the *Economic and Social Council* to request advisory opinions of the International Court of Justice: resolution 89 (I) of the General Assembly, 11 December 1946.

Authorization to the *Trusteeship Council* to request advisory opinions of the International Court of Justice: resolution 171 (II) of the General Assembly, 14 November 1947, paragraph B.

Authorization to the *Interim Committee of the General Assembly* to request advisory opinions of the International Court of Justice: resolution 196 (III) of the General Assembly, 3 December 1948, paragraph 3[1].

Convention on the privileges and immunities of the United Nations, adopted by the General Assembly on 13 February 1946, Article VIII, Section 30 (United Nations, *Treaty Series*, I, No. 4, Vol. 1).

Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, 26 June 1947, Article VIII, Section 21 (United Nations, *Treaty Series*, I, No. 147, Vol. 11).

Agreement between Chile and the United Nations Economic Commission for Latin America regulating conditions for the operation, in Chile, of the Headquarters of the Commission, 16 February 1953, Article XI, Section 21 (United Nations, *Treaty Series*, I, No. 4541, Vol. 314).

Agreement between the United Nations and Thailand relating to the Headquarters of the Economic Commission for Asia and the Far East in Thailand, 26 May 1954, Article XIII, Section 26 (United Nations, *Treaty Series*, I, No. 3703, Vol. 260).

Agreement between the United Nations and Ethiopia regarding the Headquarters of the United Nations Economic Commission for Africa, 18 June 1958, Article IX (United Nations, *Treaty Series*, I, No. 4597, Vol. 317).

Agreement between the United Nations and Japan regarding the Headquarters of the United Nations University, 14 May 1976, Section 22 (United Nations, *Treaty Series*, I, No. 14839, Vol. 1009).

Agreement between the United Nations and Greece regarding the headquarters of the Co-ordinating Unit for the Mediterranean Action Plan, 11 February 1982, Section 26 (United Nations, *Treaty Series*, I, No. 20736, Vol. 1261).

2. All Specialized Agencies

Convention on the privileges and immunities of the specialized agencies, approved by the General Assembly of the United Nations on

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[1] The mandate of the Interim Committee was extended indefinitely by resolution 295 (IV) of the General Assembly of 21 November 1949, paragraph 3 of which preserved its authority to request advisory opinions of the Court.

21 November 1947, Article VII, Section 24, and Article IX, Section 32 (United Nations, *Treaty Series*, I, No. 521, Vol. 33).

3. International Labour Organization

Instrument for the amendment of the Constitution of the International Labour Organisation, 9 October 1946, Articles 29, 31-34 and 37 (United Nations, *Treaty Series*, I, No. 229, Vol. 15).

Agreement between the United Nations and the International Labour Organisation, approved by the General Assembly of the United Nations on 14 December 1946, Article IX (United Nations, *Treaty Series*, II, No. 9, Vol. 1).

Statute of the Administrative Tribunal of the International Labour Organisation, adopted by the International Labour Conference on 9 October 1946 and modified by the Conference on 29 June 1949, Article XII[1].

4. Food and Agriculture Organization of the United Nations

Constitution of the Food and Agriculture Organization of the United Nations, 16 October 1945, as amended in 1957, Article XVII (Food and Agriculture Organization of the United Nations, *Basic Texts*, Vol. I, 1968).

Agreement between the United Nations and the Food and Agriculture Organization of the United Nations, approved by the General Assembly of the United Nations on 14 December 1946, Article IX (United Nations, *Treaty Series*, II, No. 10, Vol. 1).

Terms of appointment of the Director-General of the Food and Agriculture Organization of the United Nations: recommendation by the Conference of the Organization, 27 October 1945, paragraph 3 (Food and Agriculture Organization of the United Nations, *Report of the First Session of the Conference*, 16 October-1 November 1945).

5. United Nations Educational, Scientific and Cultural Organization

Constitution of the United Nations Educational, Scientific and Cultural Organization, 16 November 1945, Articles V, paragraph 11 (adopted in of the United Nations on 18 November 1948, entered into force on 13 January 1959, Article IX (United Nations, *Treaty Series*, II, No. 553, Vol. 324).

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[1] The jurisdiction of this Tribunal, which is open to officials of the International Labour Organisation or other persons claiming under the terms of appointment of an official, has been recognized also by the following international organizations, which are authorized to request advisory opinions: Food and Agriculture Organization of the United Nations; United Nations Educational, Scientific and Cultural Organization; World Health Organization; International Telecommunication Union; World Meteorological Organization; World Intellectual Property Organization; International Atomic Energy Agency.

13. World Intellectual Property Organization

Agreement between the United Nations and the World Intellectual Property Organization, approved by the General Assembly of the United Nations on 17 December 1974, Article 12 (United Nations, *Treaty Series*, II, No. 729).

14. International Fund for Agricultural Development

Agreement between the United Nations and the International Fund for Agricultural Development, approved by the General Assembly of the United Nations on 15 December 1977, Article XIII (United Nations, *Treaty Series*, II, No. 806, Vol. 1080).

15. United Nations Industrial Development Organization

Constitution of the United Nations Industrial Development Organization, 8 April 1979, Article 22 (United Nations, *Treaty Series*, I, No. 23432, Vol. 1401).

Agreement between the United Nations Organization and the United Nations Industrial Development Organization, approved by the General Assembly of the United Nations on 17 December 1985, Article 12.

16. International Atomic Energy Agency

Statute of the International Atomic Energy Agency, 26 October 1956, Article XVII (United Nations, *Treaty Series*, I, No. 3988, Vol. 276).

Agreement concerning the relationship between the United Nations and the International Atomic Energy Agency, approved by the General Assembly of the United Nations on 14 November 1957, Article X (United Nations, *Treaty Series*, II, No. 548, Vol. 281).

Authorization to the International Atomic Energy Agency to request advisory opinions of the International Court of Justice: resolution 1146 (XII) of the General Assembly of the United Nations, 14 November 1957.

Agreement on the privileges and immunities of the International Atomic Energy Agency, approved by the Board of Governors of the Agency on 1 July 1959, Article X, Section 34 (United Nations, *Treaty Series*, I, No. 5334, Vol. 374).

Agreement between the International Atomic Energy Agency and Iraq, Lebanon, Libya, Tunisia, United Arab Republic, etc., for the establishment in Cairo of a Middle Eastern regional radio-isotope centre for the Arab countries, approved by the Board of Governors of the Agency on 14 September 1962, Article XVI (United Nations, *Treaty Series*, I, No. 7236, Vol. 494).

Nordic Mutual Emergency Assistance Agreement in connection with radiation accidents, signed on 17 October 1963 by the International Atomic Energy Agency, Denmark, Finland, Norway and Sweden, Article IX (United Nations, *Treaty Series*, I, No. 7585, Vol. 525).

II. DECLARATIONS RECOGNIZING AS COMPULSORY THE JURISDICTION OF THE COURT

The texts of declarations under Article 36, paragraph 2, of the Statute, which had not expired by effluxion of time, or whose withdrawal or replacement had not been notified by 31 July 2005 will be found below. The fact that a declaration is or is not included in this section, is without prejudice to its possible application by the Court in a particular case.

During the 12 months under review, two states deposited declarations with the Secretary-General of the United Nations, Djibouti on 2 September 2005 and Dominica on 31 March 2006. These were the first such declarations made by those States.

In view of the provisions of Article 36, paragraph 5, of the Statute of the International Court of Justice, the present section also contains the texts of declarations made under the Statute of the *Permanent Court of International Justice* which have not lapsed or been withdrawn. There are now six such declarations.

The declarations, deposited by a total of 65 States[1], are given here in English[2]. Where this is not the original language of the declaration, the translations used, except where otherwise indicated, are by the Secretariat of the United Nations or of the League of Nations.

The date shown after the name of the State is that on which the declaration was deposited.

AUSTRALIA

22 III 2002.

Whereas on the first day of November one thousand nine hundred and forty-five Australia ratified the Charter of the United Nations, of which the Statute of the International Court of Justice is an integral part; and

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[1] Since 1951, thirteen other declarations relating to the jurisdiction of the International Court of Justice, either expressly or by virtue of Article 36, paragraph 5, of the Statute, have expired, been withdrawn or been terminated without being subsequently replaced These were the declarations of the following States: Bolivia, Brazil, China, Colombia, El Salvador, France, Guatemala, Iran, Israel, South Africa, Thailand, Turkey and the United States.

[2] French texts of the declarations are given in the French counterpart of the *I.C.J. Yearbook*, the *C.I.J. Annuaire*.

Whereas the Government of Australia deposited for and on behalf of Australia on the first day of November one thousand nine hundred and forty-five its instrument of ratification to the Statute of the International Court of Justice done at San Francisco on the twenty-sixth day of June, one thousand nine hundred and forty-five; and

Whereas Australia made a declaration under paragraph 2 of Article 36, of the said Statute on the thirteenth day of March one thousand nine hundred and seventy-five effective until such time as notice may be given to withdraw that declaration;

The Government of Australia, having considered the said declaration, hereby gives notice effective immediately of the *withdrawal* of that declaration and *replaces* the same with the following declaration:

The Government of Australia declares that it recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to the Secretary-General of the United Nations withdrawing this declaration. This declaration is effective immediately.

This declaration does not apply to:

(a) any dispute in regard to which the parties thereto have agreed or shall agree to have recourse to some other method of peaceful settlement;

(b) any dispute concerning or relating to the delimitation of maritime zones, including the territorial sea, the exclusive economic zone and the continental shelf, or arising out of, concerning, or relating to the exploitation of any disputed area of or adjacent to any such maritime zone pending its delimitation;

(c) any dispute in respect of which any other party to the dispute has accepted the compulsory jurisdiction of the Court only in relation to or for the purpose of the dispute; or where the acceptance of the Court's compulsory jurisdiction on behalf of any other party to the dispute was deposited less than 12 months prior to the filing of the application bringing the dispute before the Court.

In witness whereof, I, Alexander John Gosse Downer, Minister for Foreign Affairs, have hereunto set my hand and affixed my seal.

Done at Canberra this 21st day of March, two thousand and two.

(Signed) Alexander John Gosse DOWNER,
Minister for Foreign Affairs of Australia.

AUSTRIA

19 V 71.

I hereby declare that the Republic of Austria recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State which accepts or has accepted the same obligation, the jurisdiction of the International Court of Justice in all legal disputes referred to in paragraph 2 of Article 36 of the Statute of the International Court of Justice.

This Declaration does not apply to any dispute in respect of which the parties thereto have agreed or shall agree to have recourse to other means of peaceful settlement for its final and binding decision.

This Declaration shall remain in force for a period of five years and thereafter until it will be terminated or modified by a written declaration.

Done at Vienna on 28 April 1971.

(Signed) Franz JONAS,
The Federal President.

In witness whereof the present declaration has been countersigned by the Federal Chancellor and the Minister for Foreign Affairs and the national seal of the Republic of Austria has been affixed thereto.

(Signed) Bruno KREISKY,
The Federal Chancellor.

(Signed) Rudolf KIRCHSCHLAEGER,
The Federal Minister for Foreign Affairs.

BARBADOS

1 VIII 80.

I have the honour to declare on behalf of the Government of Barbados that:

The Government of Barbados accepts as compulsory, *ipso facto*, and without special agreement, on condition of reciprocity, the jurisdiction of the International Court of Justice in conformity with paragraph 2 of Article 36 of the Court until such time as notice might be given to terminate the acceptance, over all disputes arising after the declaration is made, other than:

(a) disputes in regard to which parties have agreed or shall agree to have recourse to some other method of peaceful settlement,

(b) disputes with the government of any other country which is a Member of the Commonwealth of Nations, all of which disputes shall be settled in such manner as the parties have agreed or shall agree,

(c) disputes with regard to questions which by international law fall exclusively within the jurisdiction of Barbados,

(*d*) disputes arising out of or concerning jurisdiction or rights claimed or exercised by Barbados in respect of the conservation, management or exploitation of the living resources of the sea, or in respect of the prevention or control of pollution or contamination of the marine environment in marine areas adjacent to the coast of Barbados.

24 July 1980.

(Signed) H. de B. FORDE,
Minister of External Affairs.

BELGIUM

[Translation from the French] 17 VI 58.

I declare on behalf of the Belgian Government that I recognize as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice, in conformity with Article 36, paragraph 2, of the Statute of the Court, in legal disputes arising after 13 July 1948 concerning situations or facts subsequent to that date, except those in regard to which the parties have agreed or may agree to have recourse to another method of pacific settlement.

This declaration is made subject to ratification[1]. It shall take effect on the day of deposit of the instrument of ratification for a period of five years. Upon the expiry of that period, it shall continue to have effect until notice of its termination is given.

Brussels, 3 April 1958.

(Signed) V. LAROCK,
Minister
for Foreign Affairs.

BOTSWANA

16 III 70.

I, Sir Seretse Khama, President of the Republic of Botswana, have the honour to declare on behalf of the Government of the Republic of Botswana, that it recognizes as compulsory *ipso facto* and without special agreement, on condition of reciprocity, the jurisdiction of the International Court of Justice, in accordance with paragraph 2 of Article 36 of the Statute of the Court.

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[1] The instrument of ratification was deposited on 17 June 1958.

This Declaration does not extend:

(*a*) to disputes in respect of which the parties have agreed or shall agree to have recourse to another means of peaceful settlement; or

(*b*) to disputes relating to matters which, by international law, are essentially within the domestic jurisdiction of the Republic of Botswana.

The Government of the Republic of Botswana also reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect as from the moment of such notification, either to add to, amend or withdraw any of the foregoing reservations, or any that may hereafter be added.

Done at Gaborone this 14th day of January in the year of our Lord one thousand nine hundred and seventy.

(Signed) Seretse M. KHAMA,
President.

BULGARIA

[Translation from the Bulgarian] 24 VI 92.

On behalf of the Government of the Republic of Bulgaria, I have the honour to declare that in conformity with Article 36, paragraph 2, of the Statute of the International Court of Justice the Republic of Bulgaria recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the Court in all legal disputes arising out of facts and situations subsequent to or continuing to exist after the entry into force of the present Declaration, concerning:

1. the interpretation of a treaty;
2. any question of international law;
3. the existence of any fact which, if established, would constitute a breach of an international obligation;
4. the nature or extent of the reparation to be made for the breach of an international obligation,

except for disputes with any State which has accepted the compulsory jurisdiction of the International Court of Justice under Article 36, paragraph 2, of the Statute less than twelve months prior to filing an application bringing the dispute before the Court or where such acceptance has been made only for the purpose of a particular dispute.

The Republic of Bulgaria also reserves the right at any time to modify the present Declaration, the modifications taking effect six months after the deposit of the notification thereof.

The present Declaration shall be in force for a period of five years from the date of its deposit with the Secretary-General of the United Nations. It shall continue in force thereafter until six months after a notice of its denunciation is given to the Secretary-General of the United Nations.

Sofia, 26 May 1992.

(Signed) S. Ganev,
Minister of Foreign Affairs
of the Republic of Bulgaria.

CAMBODIA

[Translation from the French] 19 IX 57.

On behalf of the Royal Government of Cambodia I have the honour to declare that, in accordance with Article 36, paragraph 2, of the Statute of the International Court of Justice, I recognize as compulsory *ipso facto* and without special agreement, in relation to any other State Member of the United Nations accepting the same obligation, that is to say on condition of reciprocity, the jurisdiction of the said Court in all legal disputes, other than:

(1) disputes in regard to which the parties to the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement;
(2) disputes with regard to questions which by international law fall exclusively within the jurisdiction of the Kingdom of Cambodia;
(3) disputes relating to any matter excluded from judicial settlement or compulsory arbitration by virtue of any treaty, convention or other international agreement or instrument to which the Kingdom of Cambodia is a party.

This declaration is valid for ten years from the date of its deposit. It shall remain in force thereafter until notice to the contrary has been given by the Royal Government of Cambodia.

Phnom-Penh, 9 September 1957.

(Signed) Sim Var.

CAMEROON

[Translation from the French by the Registry] 3 III 94.

On behalf of the Government of the Republic of Cameroon, I have the honour to declare that:

The Government of the Republic of Cameroon, in accordance with Article 36, paragraph 2, of the Statute of the Court, recognizes as

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eclaration shall remain in force for a period of five years. It shall ntly continue to produce effect until contrary notification or mendment by the Government of the Republic of Cameroon.

ork, 2 March 1994.

(Signed) Ferdinand Léopold OYONO,
Minister for Foreign Affairs.

CANADA

10 V 94.

half of the Government of Canada,

e notice that I hereby terminate the acceptance by Canada of the pulsory jurisdiction of the International Court of Justice hitherto tive by virtue of the declaration made on 10 September 1985 in ormity with paragraph 2 of Article 36 of the Statute of the Court. lare that the Government of Canada accepts as compulsory *ipso* and without special convention, on condition of reciprocity, the diction of the International Court of Justice, in conformity with graph 2 of Article 36 of the Statute of the Court, until such time otice may be given to terminate the acceptance, over all disputes ng after the present declaration with regard to situations or facts equent to this declaration, other than:

disputes in regard to which the parties have agreed or shall agree to have recourse to some other method of peaceful settlement;
disputes with the Government of any other country which is a member of the Commonwealth, all of which disputes shall be settled in such manner as the parties have agreed or shall agree;
disputes with regard to questions which by international law fall exclusively within the jurisdiction of Canada; and
disputes arising out of or concerning conservation and management measures taken by Canada with respect to vessels fishing in the NAFO Regulatory Area, as defined in the Convention on Future Multilateral Co-operation in the Northwest Atlantic Fisheries, 1978, and the enforcement of such measures.

Government of Canada also reserves the right at any time, by ns of a notification addressed to the Secretary-General of the ed Nations, and with effect as from the moment of such notifica- either to add to, amend or withdraw any of the foregoing reser- ons, or any that may hereafter be added.

1952), and XIV, paragraph 2 (United Nations, *Treaty Series*, I, No. 52, Vol. 4)[1].

Agreement between the United Nations and the United Nations Educational, Scientific and Cultural Organization, approved by the General Assembly of the United Nations on 14 December 1946, as revised and approved by the General Assembly of the United Nations on 8 December 1962, Article X[2] (United Nations, *Treaty Series*, II, No. 11, Vol. 1; *ibid.*, General Assembly, resolution 1786 (XVII)).

Agreement between the United Nations Educational, Scientific and Cultural Organization and France regarding the Headquarters of Unesco and the privileges and immunities of the Organization on French territory, 2 July 1954, Article 29 (United Nations, *Treaty Series*, I, No. 5103, Vol. 357).

6. *World Health Organization*

Constitution of the World Health Organization, 22 July 1946, Articles 75-77 (United Nations, *Treaty Series*, I, No. 221, Vol. 14).

Agreement between the United Nations and the World Health Organization, approved by the General Assembly of the United Nations on 15 November 1947, Article X (United Nations, *Treaty Series*, II, No. 115, Vol. 19).

7. *International Bank for Reconstruction and Development, International Finance Corporation and International Development Association*

Agreement between the United Nations and the International Bank for Reconstruction and Development, approved by the General Assembly of the United Nations on 15 November 1947, Article VIII (United Nations, *Treaty Series*, II, No. 109, Vol. 16).

Agreement on relationship between the United Nations and the International Finance Corporation, approved by the General Assembly of the United Nations on 20 February 1957, paragraph 1 (United Nations, *Treaty Series*, II, No. 546, Vol. 265).

Agreement on relationship between the United Nations and the International Development Association, approved by the General Assembly of the United Nations on 27 March 1961, Article I (United Nations, *Treaty Series*, II, No. 582, Vol. 394).

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[1] See also Rules of Procedure of the General Conference of Unesco, Rule 33, and the Protocol of 10 December 1962 instituting a Conciliation and Good Offices Commission to be responsible for seeking the settlement of any disputes which may arise between States parties to the Convention against Discrimination in Education, Article 18 (Unesco document 12C/Resolutions).

[2] Article XI before the revision of 1962.

8. *International Monetary Fund*

Agreement between the United Nations and the International Monetary Fund, approved by the General Assembly of the United Nations on 15 November 1947, Article VIII (United Nations, *Treaty Series*, II, No. 108, Vol. 16).

9. *International Civil Aviation Organization*

Convention on International Civil Aviation, 7 December 1944, Articles 84-86 (United Nations, *Treaty Series*, I, No. 10612, Vol. 740; ICAO, *Convention on International Civil Aviation*, 1969).

Agreement between the United Nations and the International Civil Aviation Organization, approved by the General Assembly of the United Nations on 14 December 1946, Article X (United Nations, *Treaty Series*, II, No. 45, Vol. 8).

Agreement between the International Civil Aviation Organization and Canada regarding the Headquarters of the Organization, 14 April 1951, Article VII, Section 31 (United Nations, *Treaty Series*, I, No. 1335, Vol. 96).

10. *International Telecommunication Union*

Agreement between the United Nations and the International Telecommunication Union, approved by the General Assembly of the United Nations on 15 November 1947, Article VII (United Nations, *Treaty Series*, II, No. 175, Vol. 30).

11. *World Meteorological Organization*

Agreement between the United Nations and the World Meteorological Organization, approved by the General Assembly of the United Nations on 20 December 1951, Article VII (United Nations, *Treaty Series*, II, No. 415, Vol. 123).

12. *International Maritime Organization*

Convention on the Inter-Governmental Maritime Consultative Organization, 6 March 1948, entered into force on 17 March 1958, Articles 55 and 56 (United Nations, *Treaty Series*, I, No. 4214, Vol. 289)[1].

Agreement between the United Nations and the Inter-Governmental Maritime Consultative Organization, approved by the General Assembly

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[1] As from 22 May 1982 the Inter-Governmental Maritime Consultative Organization (IMCO) became the International Maritime Organization (IMO); the name of the organization was changed in the title of the 1948 Convention and the relevant Articles of the Convention were re-numbered 69 and 70.

It is requested that this notification be communicated to the Governments of all the States that have accepted the Optional Clause and to the Registrar of the International Court of Justice.

New York, 10 May 1994.

(*Signed*) Louise FRÉCHETTE,
Ambassador and
Permanent Representative.

COSTA RICA

[Translation from the Spanish] 20 II 73.

The Government of Costa Rica recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes of the kinds referred to in Article 36, paragraph 2, of the Statute of the International Court of Justice. This Declaration shall be valid for a period of five years and shall be understood to be tacitly renewed for like periods, unless denounced before the expiration of the said period.

San José, 5 February 1973.

(*Signed*) Gonzalo J. FACIO,
Minister for Foreign Affairs.

CÔTE D'IVOIRE

[Translation from the French] 29 VIII 2001.

Concerned on the one hand to ensure the peaceful and equitable settlement of all international disputes, particularly those in which it might be involved, and on the other hand to contribute to the development and strengthening of international law, the Republic of Côte d'Ivoire, pursuant to Article 36, paragraph 2, of the Statute of the International Court of Justice, declares that it recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes concerning:

(*a*) the interpretation of a treaty;
(*b*) any question of international law;
(*c*) the existence of any fact which, if established, would constitute a breach of an international obligation;
(*d*) the nature or extent of the reparation to be made for the breach of an international obligation;

with the exception of:

1. disputes concerning which the parties have agreed to have recourse to some other method of settlement;

2. disputes with regard to questions which by international law fall within the exclusive competence of Côte d'Ivoire.

The present declaration has been made for an unlimited period, subject to the power of denunciation and modification attached to any obligation assumed by a State in its international relations.

It will enter into force when it is received by the Secretary-General of the United Nations.

Abidjan, 22 August 2001.

(*Signed*) Sangaré Abou DRAHAMANE,
Minister of State,
Minister for Foreign Affairs.

CYPRUS

3 IX 2002.

I have the honour on behalf of the Government of the Republic of Cyprus to declare, in conformity with paragraph 2 of Article 36 of the Statute of the International Court of Justice, that the Republic of Cyprus accepts as compulsory *ipso facto* and without special agreement, on condition of reciprocity, the jurisdiction of the Court, in relation to any other State accepting the same obligation, over all legal disputes concerning:

(*a*) the interpretation of any treaty
   I. to which the Republic of Cyprus became a party on or after 16 August 1960 or
   II. which the Republic of Cyprus recognizes as binding on it by succession;
(*b*) any question of international law;
(*c*) the existence of any fact which, if established, would constitute a breach of an international obligation;
(*d*) the nature or extent of the reparation to be made for the breach of an international obligation.

Provided that this declaration shall not apply:

i. to disputes in respect of which any other party to the dispute has accepted the compulsory jurisdiction of the International Court of Justice only in relation to or for the purpose of the dispute; or where the acceptance of the Court's compulsory jurisdiction on behalf of any other party to the dispute was deposited or ratified less than twelve months prior to the filing of the application bringing the dispute before the Court;
ii. to disputes relating to questions which fall within the domestic jurisdiction of the Republic of Cyprus.

2. The Government of the Republic of Cyprus also reserves the right at any time, by means of a notification addressed to the Secretary-

5. disputes with the Government of any State with which, on the date of an application to bring a dispute before the Court, the Government of Djibouti has no diplomatic relations or which has not been recognized by the Government of Djibouti;
6. disputes with non-sovereign States or territories;
7. disputes with the Republic of Djibouti concerning or relating to:

(a) the status of its territory or the modification or delimitation of its frontiers or any other matter concerning boundaries;
(b) the territorial sea, the continental shelf and the margins, the exclusive fishery zone, the exclusive economic zone and other zones of national maritime jurisdiction including for the regulation and control of marine pollution and the conduct of scientific research by foreign vessels;
(c) the condition and status of its islands, bays and gulfs;
(d) the airspace superjacent to its land and maritime territory; and
(e) the determination and delimitation of its maritime boundaries.

This declaration is made for a period of five years, without prejudice to the right of denunciation and modification which attaches to any commitment undertaken by the State in its international relations. It shall take effect on the date of its receipt by the Secretary-General of the United Nations.

Djibouti, 18 July 2005.

(Signed) Mahmoud Ali Youssouf,
Minister for Foreign Affairs and
International Co-operation.

Commonwealth of Dominica

24 III 06.

The Commonwealth of Dominica hereby accepts the compulsory jurisdiction of the International Court of Justice and makes this Declaration under Article 36 (2) of the Statute of the Court.

17 March 2006.

(Signed) The Honorable Ian Douglas,
Attorney General of the Commonwealth of
Dominica and Minister for Legal Affairs.

(Signed) The Honorable Charles Savarin,
Minister for Foreign Affairs of the
Commonwealth of Dominica.

Dominican Republic

[Translation from the French] 30 IX 24.

On behalf of the Government of the Dominican Republic and subject to ratification[1], I recognize, in relation to any other Member or State accepting the same obligation, that is to say, on the sole condition of reciprocity, the jurisdiction of the Court as compulsory, *ipso facto* and without special convention.

Geneva, 30 September 1924.

(Signed) Jacinto R. De Castro.

Egypt

22 VII 57.

I, Mahmoud Fawzi, Minister for Foreign Affairs of the Republic of Egypt, declare on behalf of the Government of the Republic of Egypt, that, in accordance with Article 36 (2) of the Statute of the International Court of Justice and in pursuance and for the purposes of paragraph 9 *(b)* of the Declaration of the Government of the Republic of Egypt dated 24 April 1957, on "the Suez Canal and the arrangements for its operation", the Government of the Republic of Egypt accept as compulsory *ipso facto*, on condition of reciprocity and without special agreement, the jurisdiction of the International Court of Justice in all legal disputes that may arise under the said paragraph 9 *(b)* of the above Declaration dated 24 April 1957, with effect as from that date.

18 July 1957.

(Signed) Mahmoud Fawzi.

Estonia

21 X 91.

I, Arnold Rüütel, Chairman of the Supreme Council of the Republic of Estonia, declare on behalf of the Republic of Estonia and in accordance with the Resolution of September 26, 1991 of the Supreme Council of the Republic of Estonia, that the Republic of Estonia recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, on condition of reciprocity, the jurisdiction of the International Court of Justice, in conformity with paragraph 2 of Article 36 of the Statute of the Court,

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[1] The instrument of ratification was deposited on 4 February 1933.

(iii) the airspace over the territories, waters and zones referred to in this subparagraph.

3. The Government of Honduras also reserves the right at any time to supplement, modify or withdraw this Declaration or the reservations contained therein by giving notice to the Secretary-General of the United Nations.
4. This Declaration replaces the Declaration made by the Government of Honduras on 20 February 1960.

National Palace, Tegucigalpa, D.C., 22 May 1986.

(Signed) José AZCONA H.,
President of the Republic.
(Signed) Carlos LÓPEZ CONTRERAS,
The Secretary of State for Foreign Affairs.

HUNGARY

22 X 92.

The Republic of Hungary hereby recognizes as compulsory *ipso facto* and without special agreement, on condition of reciprocity, the jurisdiction of the International Court of Justice, in accordance with Article 36, paragraph 2, of the Statute of the Court in all disputes which may arise in respect of facts or situations subsequent to this declaration, other than:

(a) disputes in regard to which the parties to the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement;
(b) disputes in regard to matters which by international law fall exclusively within the domestic jurisdiction of the Republic of Hungary;
(c) disputes relating to, or connected with, facts or situations of hostilities, war, armed conflicts, individual or collective actions taken in self-defence or the discharge of any functions pursuant to any resolution or recommendation of the United Nations, and other similar or related acts, measures or situations in which the Republic of Hungary is, has been or may in the future be involved;
(d) disputes in respect of which any other party to the dispute has accepted the compulsory jurisdiction of the Court only in relation to or for the purpose of such dispute; or where the acceptance of the Court's compulsory jurisdiction on behalf of any other party to the dispute was deposited less than twelve months prior to the filing of the application bringing the dispute before the Court.

The Government of the Republic of Hungary reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect of six months of such notification to amend, add to or withdraw any of the foregoing reservations or any that may hereafter be added.

This declaration shall remain in force until the expiration of six months after notification has been given of its termination.

Budapest, 7 October 1992.

(Signed) Dr. GÉZA JESZENSZKY,
Minister for Foreign Affairs
of the Republic of Hungary.

INDIA

18 IX 74.

I have the honour to declare, on behalf of the Government of the Republic of India, that they accept, in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to terminate such acceptance, as compulsory *ipso facto* and without special agreement, and on the basis and condition of reciprocity, the jurisdiction of the International Court of Justice over all disputes other than:

(1) disputes in regard to which the parties to the dispute have agreed or shall agree to have recourse to some other method or methods of settlement;
(2) disputes with the government of any State which is or has been a Member of the Commonwealth of Nations;
(3) disputes in regard to matters which are essentially within the domestic jurisdiction of the Republic of India;
(4) disputes relating to or connected with facts or situations of hostilities, armed conflicts, individual or collective actions taken in self-defence, resistance to aggression, fulfilment of obligations imposed by international bodies, and other similar or related acts, measures or situations in which India is, has been or may in future be involved;
(5) disputes with regard to which any other party to a dispute has accepted the compulsory jurisdiction of the International Court of Justice exclusively for or in relation to the purposes of such dispute; or where the acceptance of the Court's compulsory jurisdiction on behalf of a party to the dispute was deposited or ratified less than 12 months prior to the filing of the application bringing the dispute before the Court;
(6) disputes where the jurisdiction of the Court is or may be founded on the basis of a treaty concluded under the auspices of the League of Nations, unless the Government of India specially agree to jurisdiction in each case;
(7) disputes concerning the interpretation or application of a multilateral treaty unless all the parties to the treaty are also parties to the case before the Court or Government of India specially agree to jurisdiction;

General of the United Nations, and with effect as from the moment of such notification, either to add to, amend or withdraw this declaration or any of the foregoing reservations or any that may hereafter be added.

Nicosia, 3 September 2002.

(Signed) Ioannis KASOULIDES,
Minister for Foreign Affairs.

DEMOCRATIC REPUBLIC OF THE CONGO

[Translation from the French] 8 II 89.

. . . in accordance with Article 36, paragraph 2, of the Statute of the International Court of Justice:

The Executive Council of the Republic of Zaire recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the Court in all legal disputes concerning:

(a) the interpretation of a treaty;
(b) any question of international law;
(c) the existence of any fact which, if established, would constitute a breach of an international obligation;
(d) the nature or extent of the reparation to be made for the breach of an international obligation.

It is understood further that this declaration will remain in force until notice of its revocation is given.

(Signed) Bagbeni Adeito NZENGEYA,
Ambassador Extraordinary and Plenipotentiary,
Permanent Representative of Zaire
to the United Nations.

DENMARK

[Translation from the French] 10 XII 56.

In conformity with the Royal Decree of 3 December 1956, I have the honour, on behalf of the Danish Government, to make the following declaration:

Pursuant to Article 36, paragraph 2, of the Statute of the International Court of Justice, the Kingdom of Denmark recognizes as compulsory *ipso facto* and without special agreement the jurisdiction of the Court in relation to any other State accepting the same obligation, that is to say on condition of reciprocity, for a period of five years from 10 December 1956 and thereafter for further periods of five years, if this declaration is not denounced by notice of not less than six months before the expiration of any five-year period.

New York, 10 December 1956.

(Signed) Karl I. ESKELUND,
Ambassador Extraordinary and Plenipotentiary,
Permanent Representative
to the United Nations.

DJIBOUTI

[Translation from the French] 2 IX 05.

Desiring, on the one hand, to reach a peaceful and equitable settlement of all international disputes, including those in which it may be involved, and, on the other hand, to make a contribution to the further development and consolidation of international law, the Republic of Djibouti, in accordance with Article 36 (2) of the Statute of the International Court of Justice, hereby declares that it recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes concerning:

(a) the interpretation of a treaty;
(b) any question of international law;
(c) the existence of any fact which, if established, would constitute a breach of an international obligation;
(d) the nature and extent of the reparation to be made for the breach of an international obligation;

with the reservation, however, that this declaration shall not apply to:

1. disputes in regard to which the parties to the dispute have agreed or shall agree to have recourse to some other method or methods of settlement;
2. disputes in regard to matters which are exclusively within the domestic jurisdiction of the Republic of Djibouti, under international law;
3. disputes relating to or connected with facts or situations of hostilities, armed conflicts, individual or collective actions taken in self-defence, resistance to aggression, fulfilment of obligations imposed by international bodies and other similar or related acts, measures or situations in which the Republic of Djibouti is, has been or may in future be involved;
4. disputes concerning the interpretation or application of a multilateral treaty unless all the parties to the treaty are also parties to the case before the Court or the Government of Djibouti specially agrees to jurisdiction of the Court;

provided that this declaration shall not apply to disputes, the solution of which the parties shall entrust to other tribunals by virtue of agreements already in existence or which may be concluded in the future.

Tallinn, 10 October 1991.

(Signed) A. RÜÜTEL,
Chairman of the Supreme Council.

FINLAND

[Translation from the French] 25 VI 58.

On behalf of the Finnish Government, I hereby declare that I recognize as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, that is to say, on condition of reciprocity, the jurisdiction of the International Court of Justice, in accordance with Article 36, paragraph 2, of the Statute of the Court, for a period of five years from 25 June 1958. This declaration shall be renewed by tacit agreement for further periods of the same duration, unless it is denounced not later than six months before the expiry of any such period. This declaration shall apply only to disputes arising in regard to situations or facts subsequent to 25 June 1958.

New York, 25 June 1958.

(Signed) G. A. GRIPENBERG,
Permanent Representative of Finland
to the United Nations.

GAMBIA

22 VI 66.

In accordance with Article 36, paragraph 2, of the Statute of the International Court of Justice, I declare, on behalf of the Government of the Gambia, that the Gambia recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice until such time as notice may be given to terminate the acceptance, over all disputes arising in the future concerning:

(a) the interpretation of a treaty;
(b) any question of international law;
(c) the existence of any fact which, if established, would constitute a breach of an international obligation;
(d) the nature or extent of the reparation to be made for the breach of an international obligation;

with the reservation, however, that this declaration does not apply to

(*a*) disputes in regard to which the parties have agreed to a settlement other than by recourse to the International Court of Justice;
(*b*) disputes with any country in the Commonwealth;
(*c*) disputes which, by international law, fall exclusively within the jurisdiction of the Gambia.

Bathurst, 14 June 1966.

(*Signed*) A. B. N'JIE,
Minister of State for External Affairs.

GEORGIA

20 VI 95.

I have the honour on behalf of the Republic of Georgia to declare that, in accordance with paragraph 2 of Article 36 of the Statute of the International Court of Justice, the Republic of Georgia recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the Court in all legal disputes referred to in paragraph 2 of Article 36 of the Statute of the International Court of Justice.

Tbilisi, 16 June 1995.

(*Signed*) Alexander CHIKVAIDZE,
Minister of Foreign Affairs
of the Republic of Georgia.

GREECE

[*Translation from the French*] 10 I 94.

I declare, on behalf of the Greek Government, that I recognize as compulsory *ipso facto* and without special agreement, on condition of reciprocity, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes referred to in Article 36, paragraph 2, of the Statute of the Court. However, the Greek Government excludes from the competence of the Court any dispute relating to defensive military action taken by the Hellenic Republic for reasons of national defence.

This declaration shall remain in force for a period of five years. Upon the expiry of that period, it shall continue to have effect until notice of its termination is given.

Athens, 20 December 1993.

(*Signed*) Karolos PAPOULIAS,
Minister for Foreign Affairs.

GUINEA

[Unofficial translation from the French by the Registry] 4 XII 98.

I have the honour, in the name of the Government of the Republic of Guinea, to declare that, in conformity with Article 36, paragraph 2, of the Statute of the International Court of Justice, the said Government accepts as compulsory *ipso facto* and without special agreement, in relation to any other States accepting the same obligation, the jurisdiction of the Court in all legal disputes arising since 12 December 1958 and subsequent to this declaration concerning:

(a) the interpretation of a treaty;
(b) any question of international law;
(c) the existence of any fact which, if established, would constitute a breach of an international obligation;
(d) the nature or extent of the reparation to be made for the breach of an international obligation;

The Republic of Guinea makes this declaration on condition of reciprocity on the part of all States. However, it may refuse to accept the jurisdiction of the Court in the case of:

(a) disputes in respect of which the parties have agreed to have recourse to some other mode of settlement;
(b) disputes concerning questions which, under international law, fall within the exclusive jurisdiction of the Republic of Guinea.

Finally, the Government of the Republic of Guinea reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, to amend or withdraw this declaration.

Conakry, 11 November 1998.

(Signed) Lamine KAMARA,
Minister for Foreign Affairs.

GUINEA-BISSAU

[Translation from the French] 7 VIII 89.

In accordance with Article 36, paragraph 2, of the Statute of the International Court of Justice, the Republic of Guinea-Bissau accepts as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the Court in all legal disputes referred to in Article 36, paragraph 2, of the Statute thereof.

This declaration will remain in force until six months following the date on which the Government of Guinea-Bissau makes known its intention of terminating it.

New York, 7 August 1989.

(Signed) Raul A. DE MELO CAPRAL,
Chargé d'affaires a.i.

HAITI

[Translation from the French] 4 X 21.

On behalf of the Republic of Haiti, I recognize the jurisdiction of the Permanent Court of International Justice as compulsory.

(Signed) F. ADDOR,
Consul.

HONDURAS

[Translation from the Spanish] 6 VI 86.

The Government of the Republic of Honduras, duly authorized by the National Congress under Decree No. 75-86 of 21 May 1986 to modify the Declaration made on 20 February 1960 concerning Article 36, paragraph 2, of the Statute of the International Court of Justice, *hereby declares* that it modifies the Declaration made by it on 20 February 1960 as follows:

1. It recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes concerning:
   - *(a)* the interpretation of a treaty;
   - *(b)* any question of international law;
   - *(c)* the existence of any fact which, if established, would constitute a breach of an international obligation;
   - *(d)* the nature or extent of the reparation to be made for the breach of an international obligation.
2. This Declaration shall not apply, however, to the following disputes to which the Republic of Honduras may be a party:
   - *(a)* disputes in respect of which the parties have agreed or may agree to resort to other means for the pacific settlement of disputes;
   - *(b)* disputes concerning matters subject to the domestic jurisdiction of the Republic of Honduras under international law;
   - *(c)* disputes relating to facts or situations originating in armed conflicts or acts of a similar nature which may affect the territory of the Republic of Honduras, and in which it may find itself involved directly or indirectly;
   - *(d)* disputes referring to:
     - (i) territorial questions with regard to sovereignty over islands, shoals and keys; internal waters, bays, the territorial sea and the legal status and limits thereof;
     - (ii) all rights of sovereignty or jurisdiction concerning the legal status and limits of the contiguous zone, the exclusive economic zone and the continental shelf;

(8) disputes with the government of any State with which, on the date of an application to bring a dispute before the Court, the Government of India has no diplomatic relations or which has not been recognized by the Government of India;

(9) disputes with non-sovereign States or territories;

(10) disputes with India concerning or relating to:

  (a) the status of its territory or the modification or delimitation of its frontiers or any other matter concerning boundaries;
  (b) the territorial sea, the continental shelf and the margins, the exclusive fishery zone, the exclusive economic zone, and other zones of national maritime jurisdiction including for the regulation and control of marine pollution and the conduct of scientific research by foreign vessels;
  (c) the condition and status of its islands, bays and gulfs and that of the bays and gulfs that for historical reasons belong to it;
  (d) the airspace superjacent to its land and maritime territory; and
  (e) the determination and delimitation of its maritime boundaries.

(11) disputes prior to the date of this declaration, including any dispute the foundations, reasons, facts, causes, origins, definitions, allegations or bases of which existed prior to this date, even if they are submitted or brought to the knowledge of the Court hereafter.

2. This declaration revokes and replaces the previous declaration made by the Government of India on 14 September 1959.

New Delhi, 15 September 1974.

(Signed) Swaran SINGH,
Minister for External Affairs.

JAPAN

15 IX 58.

I have the honour, by direction of the Minister for Foreign Affairs, to declare on behalf of the Government of Japan, that in conformity with paragraph 2 of Article 36 of the Statute of the International Court of Justice, Japan recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation and on condition of reciprocity, the jurisdiction of the International Court of Justice, over all disputes which arise on and after the date of the present declaration with regard to situations or facts subsequent to the same date and which are not settled by other means of peaceful settlement.

This declaration does not apply to disputes which the parties thereto have agreed or shall agree to refer for final and binding decision to arbitration or judicial settlement.

This declaration shall remain in force for a period of five years and thereafter until it may be terminated by a written notice.

New York, 15 September 1958.

(Signed) Koto MATSUDAIRA,
Permanent Representative of Japan
to the United Nations.

KENYA

19 IV 65.

I have the honour to declare, on behalf of the Government of the Republic of Kenya that it accepts, in conformity with paragraph 2 of Article 36 of the Statute of the International Court of Justice until such time as notice may be given to terminate such acceptance, as compulsory *ipso facto* and without special agreement, and on the basis and condition of reciprocity, the jurisdiction over all disputes arising after 12 December 1963 with regard to situations or facts subsequent to that date, other than:

(1) disputes in regard to which the parties to the dispute have agreed or shall agree to have recourse to some other method or methods of settlement;

(2) dispute with the government of any State which, on the date of this Declaration is a Member of the Commonwealth of Nations or may so become subsequently;

(3) disputes with regard to questions which by general rules of international law fall exclusively within the jurisdiction of Kenya;

(4) disputes concerning any question relating to or arising out of belligerent or military occupation or the discharge of any functions pursuant to any recommendation or decision of an organ of the United Nations, in accordance with which the Government of the Republic of Kenya have accepted obligations.

The Government of the Republic of Kenya reserves the right at any time by means of a notification addressed to the Secretary-General of the United Nations to add to, amend, or withdraw any of the foregoing reservations. Such notifications shall be effective on the date of their receipt by the Secretary-General of the United Nations.

Nairobi, 12 April 1965.

(Signed) Joseph MURUMBI,
Minister for External Affairs.

LESOTHO

6 IX 2000.

On behalf of the Kingdom of Lesotho, I have the honour to declare that the Kingdom of Lesotho recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State which accepts has accepted the same obligation, the jurisdiction of the Internation Court of Justice in all legal disputes referred to in paragraph 2 Article 36 of the Statute of the International Court of Justice.

This Declaration does not apply to any dispute the solution of whi the parties thereto have agreed or shall agree to have recourse to oth means of peaceful settlement for its final and binding decision.

This Declaration shall remain in force until notice of its terminati is given.

Dated at Maseru, this 31st day of August 2000.

(Signed) Motsoahae Thomas THABANE,
Minister of Foreign Affairs.

LIBERIA

20 III 52.

On behalf of the Government of the Republic of Liberia, I, Gabriel Dennis, Secretary of State of Liberia, subject to ratification, declare th the Republic of Liberia recognizes as compulsory *ipso facto* and witho special agreement, in relation to any other State, also a party to t Statute pursuant to Article 93 of the United Nations Charter, whi accepts the same obligation (i.e., subject to reciprocity), the jurisdicti of the International Court of Justice in all legal disputes arising aft ratification concerning:

(a) the interpretation of a treaty;
(b) any question of international law;
(c) the existence of any fact which, if established, would constitute breach of an international obligation;
(d) the nature or extent of the reparation to be made for the breach an international obligation.

This declaration does not apply:

(a) to any dispute which the Republic of Liberia considers essential within its domestic jurisdiction;
(b) to any dispute in regard to which the parties have agreed or ma agree to bring before other tribunals as a result of agreements alrea existing or which may be made in the future.

The present declaration has been made for a period of five years from the date of deposit of the ratification[1] and thereafter until notice termination is given.

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[1] The instrument of ratification, dated 30 March 1953, was deposited on 17 Ap 1953.

Done at Monrovia this 3rd day of March 1952.

(Signed) Gabriel L. **Dennis**,
Secretary of State.

LIECHTENSTEIN

[Translation from the French] 29 III 50.

The Government of the Principality of Liechtenstein, duly authorized by His Serene Highness, the Reigning Prince François Joseph II, in accordance with the Order of the Diet of the Principality of Liechtenstein dated 9 March 1950, which came into force on 10 March 1950,

Declares by these presents that the Principality of Liechtenstein recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes concerning:

(a) the interpretation of a treaty;
(b) any question of international law;
(c) the existence of any fact which, if established, would constitute a breach of an international obligation;
(d) the nature or extent of the reparation to be made for the breach of an international obligation.

The present declaration, which is made under Article 36 of the Statute of the International Court of Justice, shall take effect from the date on which the Principality becomes a party to the Statute and shall have effect as long as the declaration has not been revoked subject to one year's notice.

Done at Vaduz, 10 March 1950.

On behalf of the Government of
the Principality of Liechtenstein,
(Signed) A. **Frick**,
The Head of Government.

LUXEMBOURG

[Translation from the French] 15 IX 30.

The Government of the Grand-Duchy of Luxembourg recognizes as compulsory, *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, that is to say on condition of reciprocity, the jurisdiction of the Court in conformity with Article 36,

(i) disputes in regard to which the Parties to the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement;

(ii) disputes with the government of any other country which is a Member of the British Commonwealth of Nations, all of which disputes shall be settled in such manner as the Parties have agreed or shall agree;

(iii) disputes with regard to questions which by international law fall exclusively within the jurisdiction of Malta;

(iv) disputes concerning any question relating to or arising out of belligerent or military occupation or the discharge of any functions pursuant to any recommendation or decision of an organ of the United Nations, in accordance with which the Government of Malta have accepted obligations:

(v) disputes arising under a multilateral treaty, unless (1) all Parties to the treaty affected by the decision are also Parties to the case before the Court, or (2) the Government of Malta specially agrees to jurisdiction;

(vi) disputes relating to any matter excluded from compulsory adjudication or arbitration under any treaty, convention or other international agreement or instrument to which Malta is a Party;

(vii) disputes in respect of which arbitral or judicial proceedings are taking, or have taken place with any State which, at the date of the commencement of the proceedings, had not itself accepted the compulsory jurisdiction of the International Court of Justice; and

(viii) disputes in respect of which any other Party to the dispute has accepted the compulsory jurisdiction of the International Court of Justice only in relation to or for the purposes of the dispute; or where the acceptance of the Court's compulsory jurisdiction on behalf of any other Party to the dispute was deposited or ratified less than twelve months prior to the filing of the application bringing the dispute before the Court.

The Government of Malta also reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect as from the moment of such notification either to add to, amend or withdraw any of the foregoing reservations or any that may hereafter be added.

Valletta, 29 November 1966.

(Signed) G. FELICE,
Acting Minister of Commonwealth
and Foreign Affairs.

2 IX 83.

I have the honour to refer to the declaration made by the Government of Malta on 29 November 1966, and notified on 6 December 1966, concerning the compulsory jurisdiction of the International Court of Justice and to give notice that, with effect from the moment this notification is received by Your Excellency, the acceptance of the Government of Malta of the jurisdiction of the Court shall be limited to all disputes with Malta other than

(1) the disputes mentioned in paragraphs (i) to (viii) both inclusive, of the said declaration, and
(2) the following categories of disputes, that is to say:

Disputes with Malta concerning or relating to:

(a) its territory, including the territorial sea, and the status thereof,
(b) the continental shelf or any other zone of maritime jurisdiction, and the resources thereof,
(c) the determination or delimitation of any of the above,
(d) the prevention or control of pollution or contamination of the marine environment in marine areas adjacent to the coast of Malta.

The Government of Malta also reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect from the moment of such notification, either to add to, amend or withdraw any of the foregoing reservations or any that may hereafter be added.

(Signed) Alex SCEBERAS TRIGON,
Minister for Foreign Affairs.

MAURITIUS

23 IX 68.

I have the honour to declare, on behalf of the Government of Mauritius, that Mauritius accepts as compulsory *ipso facto* and without special convention, on condition of reciprocity, the jurisdiction of the International Court of Justice, in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to terminate the acceptance, over all disputes other than:

(i) disputes in regard to which the Parties to the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement;
(ii) disputes with the Government of any other country which is a Member of the British Commonwealth of Nations, all of which disputes shall be settled in such manner as the parties have agreed or shall agree;
(iii) disputes with regard to questions which by international law fall exclusively within the jurisdiction of Mauritius;

The aforesaid obligation is accepted for a period of five years and will be renewed by tacit agreement for additional periods of five years, unless notice is given, not less than six months before the expiry of any such period, that the Government of the Kingdom of the Netherlands does not wish to renew it.

The acceptance of the jurisdiction of the Court founded on the declaration of 5 August 1946 is terminated with effect from 6 August 1956.

New York, 1 August 1956.

(Signed) E. L. C. SCHIFF,

Acting Permanent Representative of the
Kingdom of the Netherlands to the United Nations.

NEW ZEALAND

22 IX 77.

I have the honour, by direction of the Minister of Foreign Affairs of New Zealand, to declare on behalf of the Government of New Zealand:

(I) The acceptance by the Government of New Zealand of the compulsory jurisdiction of the International Court of Justice by virtue of the Declaration made on 1 April 1940 under Article 36 of the Statute of the Permanent Court of International Justice and made applicable to the International Court of Justice by paragraph 5 of Article 36 of the Statute of that Court, is hereby terminated.

(II) The Government of New Zealand accept as compulsory, *ipso facto*, and without special agreement, on condition of reciprocity, the jurisdiction of the International Court of Justice in conformity with paragraph 2 of Article 36 of the Court over all disputes other than:

(1) disputes in regard to which the parties have agreed or shall agree to have recourse to some other method of peaceful settlement;

(2) disputes in respect of which any other party to the dispute has accepted the compulsory jurisdiction of the International Court of Justice only in relation to or for the purpose of the dispute: or where the acceptance of the Court's compulsory jurisdiction on behalf of any other party to the dispute was deposited or ratified less than twelve months prior to the filing of the application bringing the dispute before the Court;

(3) disputes arising out of, or concerning, the jurisdiction or rights claimed or exercised by New Zealand in respect of the exploration, exploitation, conservation or management of the living resources in marine areas beyond and adjacent to the territorial sea of New Zealand but within 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

This Declaration shall remain in force for a period of five years from 22 September 1977 and thereafter until the expiration of six months after notice has been given of the termination of this Declaration provided that the Government of New Zealand reserves the right at any time to amend this Declaration in the light of the results of the Third United Nations Conference on the Law of the Sea in respect of the settlement of disputes.

New York, 22 September 1977.

(Signed) M. J. C. TEMPLETON,
Permanent Representative of
New Zealand to the United Nations.

NICARAGUA

[Translation from the French] 24 IX 29.

On behalf of the Republic of Nicaragua I recognize as compulsory unconditionally the jurisdiction of the Permanent Court of International Justice.

Geneva, 24 September 1929.

(Signed) T. F. MEDINA.

Reservation[1] 24 X 2001.

Nicaragua will not accept the jurisdiction or competence of the International Court of Justice in relation to any matter or claim based on interpretations of treaties or arbitral awards that were signed and ratified or made, respectively, prior to 31 December 1901.

Managua, 23 October 2001.

(Signed) Francisco X. AGUIRRE SACASA.

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[1] This is the text of the reservation as received by the Secretary-General of the United Nations by letter of 23 October 2001. The first paragraph of that letter read as follows:

> "I have the honour to inform you and, through you, all the States parties to the Statute of the International Court of Justice and the Secretariat of the Court, of the reservation made to Nicaragua's voluntary acceptance of the jurisdiction of the International Court of Justice by Presidential Decision No. 335-2001 of 22 October 2001, issued by the President of the Republic, Mr. Arnoldo Alemán Lacayo, the text of which is as follows:..."

On 9 January 2002 the Secretary-General received from the Government of Costa Rica a communication transmitting the text of a formal objection to the reservation formulated by Nicaragua.

On 23 October 2002, the Permanent Mission of Costa Rica to the United Nations notified the Secretary-General of an Agreement of 26 September 2002 between the Governments of Nicaragua and of Costa Rica by which Nicaragua *(inter alia)* "undertakes to maintain, for a period of three years from today's date, the legal status existing on today's date with respect to its declaration of acceptance of the jurisdiction of the International Court of Justice".

NIGERIA

30 IV 98.

I have the honour, on behalf of the Government of the Federal Republic of Nigeria, to declare that the acceptance by the Government of the Federal Republic of Nigeria of the compulsory jurisdiction of the International Court of Justice by virtue of the Declaration made on 14 August 1965 under Article 36 of the Statute of the Court is hereby amended so as to read as set out in the following paragraph:

In conformity with paragraph 2 of Article 36 of the Statute, the Government of the Federal Republic of Nigeria accepts as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, that is to say, on condition of reciprocity, the jurisdiction of the Court over all legal disputes referred to in that paragraph of the Statute, other than:

(i) disputes in respect of which any party to the dispute has accepted the jurisdiction of the Court by a Declaration deposited less than twelve months prior to the filing of an Application bringing the dispute before the Court after the date of this amended Declaration;

(ii) disputes in respect of which any party has filed an Application in substitution for or in lieu of all or any part of any Application to which subparagraph (i) refers;

(iii) disputes relating to matters which are essentially within the domestic jurisdiction of the Federal Republic of Nigeria;

(iv) disputes in respect of which any other party to the dispute has accepted the jurisdiction of the Court in relation to or for the purposes of the dispute;

(v) disputes in regard to which the parties have agreed or agree to have recourse to any other method of peaceful settlement;

(vi) disputes relating to or connected with facts or situations of hostilities or armed conflict, whether internal or international in character;

(vii) disputes with any State with which the Government of Nigeria does not have diplomatic relations;

(viii) disputes concerning the allocation, delimitation or demarcation of territory (whether land, maritime, lacustrine or superjacent air space) unless the Government of Nigeria specially agrees to such jurisdiction and within the limits of any such special agreement;

(ix) disputes in relation to matters which arose prior to the date of Nigeria's independence, including any dispute the causes, origins or bases of which arose prior to that date.

The Government of the Federal Republic of Nigeria further reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect from the moment of such notification, to add to, amend or withdraw this Declaration or the reservations contained therein or any that may hereafter be added.

Done at Abuja, this 29th dav of April 1998.

(Signed) Chief Tom IKIMI,
Hon. Minister of Foreign Affairs,
Federal Republic of Nigeria.

NORWAY

25 VI 96.

I hereby declare on behalf of the Royal Norwegian Government that Norway recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, that is on condition of reciprocity, the jurisdiction of the International Court of Justice in conformity with Article 36, paragraph 2, of the Statute of the Court, for a period of five years as from 3 October 1976. This declaration shall thereafter be tacitly renewed for additional periods of five years, unless notice of termination is given not less than six months before the expiration of the current period; provided, however, that the limitations and exceptions relating to the settlement of disputes pursuant to the provisions of, and the Norwegian declarations applicable at any given time to, the United Nations Convention on the Law of the Sea of 10 December 1982 and the Agreement of 4 December 1995 for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, shall apply to all disputes concerning the law of the sea.

New York, 24 June 1996.

(Signed) Hans Jacob Biørn LIAN,
Permanent Representative of
Norway to the United Nations.

PAKISTAN

13 IX 60.

I have the honour, by direction of the President of Pakistan, to make the following declaration on behalf of the Government of Pakistan under Article 36, paragraph 2, of the Statute of the International Court of Justice:

The Government of Pakistan recognize as compulsory *ipso facto* and without special agreement in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes after 24 June 1948, arising, concerning:

paragraph 2, of the Statute, in any disputes arising after the signature of the present declaration with regard to situations or facts subsequent to this signature, except in cases where the parties have agreed or shall agree to have recourse to another procedure or to another method of pacific settlement. The present declaration is made for a period of five years. Unless it is denounced six months before the expiration of that period, it shall be considered as renewed for a further period of five years and similarly thereafter.

Geneva, 15 September 1930.

(Signed) BECH.

MADAGASCAR

[Translation from the French] 2 VII 92.

On behalf of the Government of Madagascar, I declare under Article 36, paragraph 2, of the Statute of the International Court of Justice that Madagascar accepts as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation and until such time as notice may be given to terminate this acceptance, the compulsory jurisdiction of the Court in all legal disputes concerning:

- the interpretation of a treaty;
- any question of international law;
- the existence of any fact which, if established, would constitute a breach of an international obligation;
- the nature or extent of the reparation to be made for the breach of an international obligation.

The present declaration does not apply:

- to disputes in regard to which the parties have agreed to have recourse to some other method of settlement;
- disputes relating to questions which, under international law, fall exclusively within the jurisdiction of Madagascar.

The Government of Madagascar also reserves the right to add to, amend or withdraw the foregoing reservations by means of a notification addressed to the Secretary-General of the United Nations, which would take effect on the date of its receipt by the Secretary-General.

Antananarivo, 12 May 1992.

(Signed) Césaire RABENORO,
Minister for Foreign Affairs.

MALAWI

12 XII 66.

On behalf of the Government of Malawi, I declare under Article 36, paragraph 2, of the Statute of the International Court of Justice that I recognize as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, on condition of reciprocity, the jurisdiction of the International Court of Justice in all legal disputes which may arise in respect of facts or situations subsequent to this declaration concerning –

(a) the interpretation of a treaty;
(b) any question of international law;
(c) the existence of any fact which, if established, would constitute a breach of an international obligation;
(d) the nature or extent of the reparation to be made for the breach of an international obligation:

Provided that this declaration shall not apply to –

(i) disputes with regard to matters which are essentially within the domestic jurisdiction of the Republic of Malawi as determined by the Government of Malawi;
(ii) disputes in regard to which the parties of the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement; or
(iii) disputes concerning any question relating to or arising out of belligerent or military occupation.

The Government of Malawi also reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, to add to, amend, or withdraw any of the foregoing reservations or any that may hereafter be added. Such notifications shall be effective on the date of their receipt by the Secretary-General of the United Nations.

Given under my hand in Zomba this 22nd day of November 1966.

(Signed) H. KAMUZU BANDA,
President and
Minister for External Affairs.

MALTA

6 XII 66.

I have the honour to declare, on behalf of the Government of Malta, that Malta accepts as compulsory *ipso facto* and without special convention, on condition of reciprocity, the jurisdiction of the International Court of Justice, in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to terminate the acceptance, over all disputes other than:

(iv) disputes concerning any question relating to or arising out of belligerent or military occupation or the discharge of any functions pursuant to any recommendation or decision of an organ of the United Nations, in accordance with which the Government of Mauritius has accepted obligations;

(v) disputes relating to any matter excluded from compulsory adjudication or arbitration under any treaty, convention or other international agreement or instrument to which Mauritius is a party;

(vi) disputes in respect of which arbitral or judicial proceedings are taking, or have taken place with any State which, at the date of the commencement of the proceedings, had not itself accepted the compulsory jurisdiction of the International Court of Justice; and

(vii) disputes in respect of which any other Party to the dispute has accepted the compulsory jurisdiction of the International Court of Justice only in relation to or for the purposes of the dispute; or where the acceptance of the Court's compulsory jurisdiction on behalf of any other Party to the dispute was deposited or ratified less than twelve months prior to the filing of the application bringing the dispute before the Court.

The Government of Mauritius also reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect as from the moment of such notification either to add to, amend or withdraw any of the foregoing reservations or any that may hereafter be added.

Port Louis, 4 September 1968.

(Signed) S. RAMGOOLAM,
Prime Minister and
Minister for External Affairs.

MEXICO

[Translation from the Spanish] 28 X 47.

In regard to any legal dispute that may in future arise between the United States of Mexico and any other State out of events subsequent to the date of this Declaration, the Mexican Government recognizes as compulsory *ipso facto*, and without any special agreement being required therefor, the jurisdiction of the International Court of Justice in accordance with Article 36, paragraph 2, of the Statute of the said Court, in relation to any other State accepting the same obligation, that is, on condition of strict reciprocity. This Declaration, which does not apply to disputes arising from matters that, in the opinion of the Mexican Government, are within the domestic jurisdiction of the United States of Mexico, shall be binding for a period of five years as from 1 March 1947 and after that date shall continue in force until six months after the Mexican Government gives notice of denunciation.

Mexico, D.F., 23 October 1947.

(Signed) Jaime TORRES BODET,
Secretary of State for External Relations.

NAURU

9 IX 92.

On behalf of the Government of the Republic of Nauru, I have the honour to refer to the Republic's Declaration dated 30 December 1987, deposited with the United Nations Secretary-General on 29 January 1988, whereby the Republic has accepted as compulsory, *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice, in accordance with Article 36, paragraph 2, of the Statute of the Court, and stipulated that the acceptance of the Court's jurisdiction shall extend to all disputes to which the Republic is or may be a party, other than any dispute with respect to which there exists a dispute settlement mechanism under an agreement between the Republic of Nauru and another State.

I have the further honour to declare that the aforesaid Declaration shall stand renewed and extended on 29 January 1993 and continue to be in force for a further period of five years from that date.

In witness whereof, I set my hand and the Common Seal of the Republic of Nauru, this fourth day of the month of September one thousand nine hundred and ninety-two.

(Signed) Bernard DOWIYOGO,
President
and Minister for External Affairs,
Republic of Nauru.

NETHERLANDS

[Translation from the French] 1 VIII 56.

I hereby declare that the Government of the Kingdom of the Netherlands recognizes, in accordance with Article 36, paragraph 2, of the Statute of the International Court of Justice, with effect from 6 August 1956, as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, that is on condition of reciprocity, the jurisdiction of said Court in all disputes arising or which may arise after 5 August 1921, with the exception of disputes in respect of which the parties, excluding the jurisdiction of the International Court of Justice, may have agreed to have recourse to some other method of pacific settlement.

(a) the interpretation of a treaty;
(b) any question of international law;
(c) the existence of any fact which, if established, would constitute breach of an international obligation;
(d) the nature or extent of the reparation to be made for the breach o an international obligation;

Provided, that the declaration shall not apply to:

(a) disputes the solution of which the parties shall entrust to other tribu nals by virtue of agreements already in existence or which may b concluded in the future; or
(b) disputes relating to questions which by international law fall exclu sively within the domestic jurisdiction of Pakistan;
(c) disputes arising under a multilateral treaty unless
  (i) all parties to the treaty affected by the decision are also partie to the case before the Court, or
  (ii) the Government of Pakistan specially agree to jurisdiction; an

provided further, that this Declaration shall remain in force till such tim as notice may be given to terminate it.

New York, 12 September 1960.

(Signed) Said Hasan,
Ambassador Extraordinary and Plenipotentiary,
Permanent Representative of Pakistan to the
United Nations.

PANAMA

[Translation from the French] 25 X 21.

On behalf of the Government of Panama, I recognize, in relation to an other Member or State which accepts the same obligation, that is to sa on the sole condition of reciprocity, the jurisdiction of the Court as com pulsory, *ipso facto* and without any special convention.

Paris, 25 October 1921.

(Signed) R. A. Amador,
Chargé d'affaires.

PARAGUAY

[Translation from the Spanish] 25 IX 96.

Whereas the Republic of Paraguay signed the Charter of the Unite Nations on 26 June 1945 in San Francisco and ratified it on 12 October o that year, *Having seen* and examined the text of the Statute of the International Court of Justice, principal judicial organ of the United Nations, whose Article 36, paragraph 2, stipulates that States parties to the Statute may declare at any time and without special agreement that they recognize as compulsory the jurisdiction of the Court,

And whereas the National Congress agreed to recognize this by means of Act No. 913 of 7 August 1996,

Therefore:

I hereby accept on behalf of the Government of Paraguay the compulsory jurisdiction of the International Court of Justice, with headquarters at The Hague, reciprocally in relation to other States accepting the same obligation in respect of all disputes as provided for in Article 36, paragraph 2, of the Statute of the Court. The present declaration shall apply only to disputes arising subsequent to the date of this declaration.

In witness whereof I hereby sign this declaration, which is sealed with the national Seal and countersigned by the Minister for Foreign Affairs, Rubén Melgarejo Lanzoni, in the city of Asunción, capital of the Republic of Paraguay, on 17 September 1996.

(Signed) Juan Carlos WASMOSY,
President.

(Signed) Rubén MELGAREJO LANZONI,
Minister for Foreign Affairs.

PERU

[Translation from the Spanish] 7 VII 2003.

In accordance with Article 36, paragraph 2, of the Statute of the International Court of Justice, the Government of Peru recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation and on condition of reciprocity, the jurisdiction of the International Court of Justice in all legal disputes, until such time as it may give notice withdrawing this declaration.

This declaration does not apply to any dispute with regard to which the parties have agreed or shall agree to have recourse to arbitration or judicial settlement for a final and binding decision or which has been settled by some other method of peaceful settlement.

The Government of Peru reserves the right at any time by means of a notification addressed to the Secretary-General of the United Nations to amend or withdraw this declaration or reservations set out herein. Such notification shall take effect on the day on which it is received by the Secretary-General of the United Nations.

agree to have recourse to another procedure or to another method of pacific settlement. The present Declaration does not apply to disputes relating to questions which, under international law, fall exclusively within the jurisdiction of the Federal Republic of Yugoslavia, as well as to territorial disputes.

The aforesaid obligation is accepted until such time as notice may be given to terminate the acceptance.

New York, 25 April 1999.

(Signed) Vladislav JOVANOVIC,
Chargé d'affaires a.i. of
the Permanent Mission of Yugoslavia
to the United Nations.

SLOVAKIA

28 V 2004.

On behalf of the Slovak Republic I have the honour to declare that the Slovak Republic recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, that is on condition of reciprocity, the jurisdiction of the International Court of Justice in conformity with Article 36, paragraph 2, of the Statute of the Court over all legal disputes arising after the date of signature of the present declaration with regard to situations or facts subsequent to the same date.

This declaration does not apply to disputes:

(1) which the parties have agreed to settle by some other method of peaceful settlement;
(2) in respect of which any other Party to the dispute has accepted the jurisdiction of the International Court of Justice only in relation to or for the purpose of the dispute; or when the declaration recognizing the jurisdiction of the Court on behalf of any other Party to the dispute was deposited less than twelve months prior to the filing of the unilateral application bringing the dispute before the Court;
(3) with regard to the protection of environment;
(4) with regard to questions which by international law fall exclusively within the domestic jurisdiction of the Slovak Republic.

The Slovak Republic reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect as from the date of receipt of such notification, to amend or withdraw this declaration.

Done at Bratislava on 11 May 2004.

(Signed) Rudolf SCHUSTER,
President of the Slovak Republic.

SOMALIA

11 IV 63.

I have the honour to declare on behalf of the Government of the Somali Republic that the Somali Republic accepts as compulsory *ipso facto*, and without special agreement, on condition of reciprocity, the jurisdiction of the International Court of Justice, in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to terminate the acceptance, over all legal disputes arising other than disputes in respect of which any other party to the dispute has accepted the compulsory jurisdiction of the International Court of Justice only in relation to or for the purposes of the dispute; or where the acceptance of the Court's compulsory jurisdiction on behalf of any other party to the dispute was deposited or ratified less than 12 months prior to the filing of the application bringing the dispute before the Court.

The Somali Republic also reserves the right at any time by means of a notification addressed to the Secretary-General of the United Nations, and with effect as from the moment of such notification, either to add to, amend or withdraw any of the foregoing reservations, or any that may hereafter be added.

Mogadishu, 25 March 1963.

(Signed) Abdullahi ISSA,

Minister for Foreign Affairs.

SPAIN

[Translation from the Spanish] 29 X 90.

1. On behalf of the Spanish Government, I have the honour to declare that the Kingdom of Spain accepts as compulsory *ipso facto* and without special agreement, the jurisdiction of the International Court of Justice, in conformity with Article 36, paragraph 2, of the Statute of the Court, in relation to any other State accepting the same obligation, on condition of reciprocity, in legal disputes not included among the following situations and exceptions:

(a) disputes in regard to which the Kingdom of Spain and the other party or parties have agreed or shall agree to have recourse to some other method of peaceful settlement of the dispute;

(b) disputes in regard to which the other party or parties have accepted the compulsory jurisdiction of the Court only in relation to or for the purposes of the dispute in question;

(c) disputes in regard to which the other party or parties have accepted the compulsory jurisdiction of the Court less than 12 months prior to the filing of the application bringing the dispute before the Court;

This declaration shall apply to countries that hav
or set conditions with respect to it, with the same
such countries in their respective declarations.

Lima, 9 April 2003.

(Signed) Allan
Minister
of the

PHILIPPINES

I, Carlos P. Romulo, Secretary of Foreign Affa
the Philippines, hereby declare, under Article 36,
Statute of the International Court of Justice, tha
Philippines recognizes as compulsory *ipso facto*
agreement, in relation to any other State accepting
the jurisdiction of the International Court of Justi
arising hereafter concerning:

(a) the interpretation of a treaty;
(b) any question of international law;
(c) the existence of any fact which, if establishe
breach of an international obligation;
(d) the nature or extent of the reparation to be m
an international obligation;

Provided, that this declaration shall not apply to

(a) in regard to which the parties thereto have ag
have recourse to some other method of peacefu
(b) which the Republic of the Philippines consi
within its domestic jurisdiction; or
(c) in respect of which the other party has acc
jurisdiction of the International Court of Just
or for the purposes of such dispute; or where
compulsory jurisdiction was deposited or ratifi
prior to the filing of the application bringing
Court; or
(d) arising under a multilateral treaty, unless (1) a
are also parties to the case before the Court, c
the Philippines specially agrees to jurisdiction;
(e) arising out of or concerning jurisdiction or ri
cised by the Philippines –

(i) in respect of the natural resources, inclu
belonging to sedentary species, of the sea-
continental shelf of the Philippines, or its

pelago, as described in Proclamation No. 370 dated 20 March 1968 of the President of the Republic of the Philippines; or

(ii) in respect of the territory of the Republic of the Philippines, including its territorial seas and inland waters; and

Provided, further, that this declaration shall remain in force until notice is given to the Secretary-General of the United Nations of its termination.

Done at Manila this 23rd day of December 1971.

(Signed) Carlos P. Romulo,
Secretary of Foreign Affairs.

Poland

25 III 96.

On behalf of the Government of the Republic of Poland I hereby declare that the Republic of Poland withdraws its consent to the compulsory jurisdiction of the International Court of Justice communicated on 25 September 1990 in light of Article 36, paragraph 2, of the Statute of the Court. At the same time, I hereby declare that the Republic of Poland shall recognize with the effect as of 25 September 1996, in accordance with the provisions of the aforementioned article, as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation and subject to the sole condition of reciprocity, the jurisdiction of the International Court of Justice in all legal disputes other than:

(a) disputes prior to 25 September 1990 or disputes arisen out of facts or situations prior to the same date,

(b) disputes with regard to the territory and State boundaries,

(c) disputes with regard to environmental protection,

(d) disputes with regard to foreign liabilities or debts,

(e) disputes with regard to any State which has made a declaration accepting the compulsory jurisdiction of the International Court of Justice less than twelve months prior to the filing of the application bringing the dispute before the Court,

(f) disputes in respect whereof the parties have agreed or shall agree to have recourse to other method of peaceful settlement,

(g) disputes relating to matters which, by international law, fall exclusively within the domestic jurisdiction of the Republic of Poland.

The Government of the Republic of Poland reserves its right to withdraw or modify the present Declaration at any time and by means of a notification addressed to the Secretary-General of the United Nations, taking effect after six months from the moment whereof.

25 March 1996.

(Signed) Dariusz Rosati,
Minister of Foreign Affairs.

(d) disputes arising prior to the date on which this Declaration was deposited with the Secretary-General of the United Nations or relating to events or situations which occurred prior to that date, even if such events or situations may continue to occur or to have effects thereafter.

2. The Kingdom of Spain may at any time, by means of a notification addressed to the Secretary-General of the United Nations, add to, amend or withdraw, in whole or in part, the foregoing reservations or any that may hereafter be added. These amendments shall become effective on the date of their receipt by the Secretary-General of the United Nations.

3. The present Declaration, which is deposited with the Secretary-General of the United Nations in conformity with Article 36, paragraph 4, of the Statute of the International Court of Justice, shall remain in force until such time as it has been withdrawn by the Spanish Government or superseded by another declaration by the latter.

The withdrawal of the Declaration shall become effective after a period of six months has elapsed from the date of receipt by the Secretary-General of the United Nations of the relevant notification by the Spanish Government. However, in respect of States which have established a period of less than six months between notification of the withdrawal of their Declaration and its becoming effective, the withdrawal of the Spanish Declaration shall become effective after such shorter period has elapsed.

Madrid, 15 October 1990.

(Signed) Francisco FERNÁNDEZ ORDÓÑEZ,

Minister for Foreign Affairs.

SUDAN

2 I 58.

I have the honour by direction of the Ministry of Foreign Affairs to declare, on behalf of the Government of the Republic of the Sudan, that in pursuance of paragraph 2 of Article 36 of the Statute of the International Court of Justice, the Government of the Republic of the Sudan recognize as compulsory *ipso facto* and without special agreement, on condition of reciprocity, until such time as notice may be given to terminate this declaration, the jurisdiction of the International Court of Justice in all legal disputes arising after the first day of January 1956 with regard to situations or facts subsequent to that date concerning:

(a) the interpretation of a treaty concluded or ratified by the Republic of the Sudan on or after the first day of January 1956;
(b) any question of international law;
(c) the existence of any fact, which, if established, would constitute a breach of an international obligation; or
(d) the nature or extent of the reparation to be made for the breach of an international obligation;

but excluding the following:

(i) disputes in regard to which the parties to the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement;
(ii) disputes in regard to matters which are essentially within the domestic jurisdiction of the Republic of the Sudan as determined by the Government of the Republic of the Sudan;
(iii) disputes arising out of events occurring during any period in which the Republic of the Sudan is engaged in hostilities as a belligerent.

New York, 30 December 1957.

(Signed) Yacoub OSMAN,
Permanent Representative of the Sudan
to the United Nations.

SURINAME

31 VIII 87.

I have the honour by direction of the Minister of Foreign Affairs of the Republic of Suriname, to declare on behalf of the Government of Suriname:

The Government of the Republic of Suriname recognizes, in accordance with Article 36, paragraph 2, of the Statute of the International Court of Justice, with effect from the seventh September 1987, as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, that is on condition of reciprocity, the jurisdiction of the said Court in all disputes, which have arisen prior to this Declaration or may arise after this Declaration, with the exception of:

(A) disputes which have arisen or may arise with respect to or in relation with the borders of the Republic of Suriname;
(B) disputes in respect of which the parties, excluding the jurisdiction of the International Court of Justice, have agreed to settlement by means of arbitration, mediation or other methods of conciliation and accommodation.

This Declaration shall be binding for a period of five years and shall con tinue in force after that period until twelve months after the Government o the Republic of Suriname has given notice of its termination.

New York, 31 August 1987.

(Signed) W. H. Werner VREEDZAAM,

Chargé d'affaires of the Permanent Mission
of the Republic of Suriname
to the United Nations.

SWAZILAND

26 V 69.

I, Prince Makhosini Jameson Dlamini, Prime Minister of the Kingdon of Swaziland to whom His Majesty has delegated responsibility for th conduct of foreign affairs, have the honour to declare on behalf of th Government of the Kingdom of Swaziland, that it recognizes as compul sory *ipso facto* and without special agreement, on condition of reciprocity the jurisdiction of the International Court of Justice, in accordance wit paragraph 2 of Article 36 of the Statute of the Court.

This Declaration does not extend:

(a) to disputes in respect of which the parties have agreed or shall agre to have recourse to another means of peaceful settlement; or

(b) to disputes relating to matters which, by international law, are essen tially within the domestic jurisdiction of the Kingdom of Swaziland.

The Government of the Kingdom of Swaziland also reserves the righ to add to, amend or withdraw this Declaration by means of a notificatio addressed to the Secretary-General of the United Nations, with effect a from the moment of such notification.

Mbabane, 9 May 1969.

(Signed) Makhosini Jameson DLAMINI,

Prime Minister and Minister
for Foreign Affairs.

SWEDEN

[Translation from the French] 6 IV 57.

On behalf of the Royal Swedish Government, I declare that it accept as compulsory *ipso facto* and without special agreement, in relation t any other State accepting the same obligation, the jurisdiction of th International Court of Justice, in accordance with Article 36, paragraph 2 of the Statute of the said Court, for a period of five years as from 6 April 1957. This obligation shall be renewed by tacit agreement for further periods of the same duration unless notice of abrogation is made at least six months before the expiration of any such period. The above-mentioned obligation is accepted only in respect of disputes which may arise with regard to situations or facts subsequent to 6 April 1947.

New York, 6 April 1957.

(Signed) Claes CARBONNIER,

Permanent Representative *a.i.*
of Sweden to the United Nations.

SWITZERLAND

[Translation from the French] 28 VII 48.

The Swiss Federal Council, duly authorized for that purpose by a Federal decree which was adopted on 12 March 1948 by the Federal Assembly of the Swiss Confederation and became operative on 17 June 1948,

Hereby declares that the Swiss Confederation recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes concerning:

(a) the interpretation of a treaty;
(b) any question of international law;
(c) the existence of any fact which, if established, would constitute a breach of an international obligation;
(d) the nature or extent of the reparation to be made for the breach of an international obligation.

This declaration, which is made under Article 36 of the Statute of the International Court of Justice, shall take effect from the date on which the Swiss Confederation becomes a party to that Statute and shall have effect as long as it has not been abrogated subject to one year's notice.

Done at Berne, 6 July 1948.

On behalf of the Swiss Federal Council:

(Signed) CELIO,
The President of the Confederation.

(Signed) LEIMGRUBER,
The Chancellor of the Confederation.

TOGO

[Translation from the French] 2

The Togolese Republic,

Represented by His Excellency Mr. Akanyi-Awunyo Kodjovi
sador Extraordinary and Plenipotentiary, Permanent Represe
Togo to the United Nations,

Acting pursuant to the provisions of Article 36, paragraphs 2
the Statute of the International Court of Justice, annexed to th
of the United Nations,

Guided by its constant concern to ensure the peaceful and
settlement of all international disputes, particularly those in
might be involved, and desiring to contribute to the strengthen
international legal order based on the principles set forth in th
of the United Nations,

Declares that it recognizes as compulsory *ipso facto* and witho
agreement in relation to any other State accepting the same o
that is, subject to reciprocity, the jurisdiction of the Internatio
of Justice in all disputes concerning:

(a) the interpretation of a treaty;
(b) any question of international law;
(c) the existence of any fact which, if established, would co
breach of an international obligation;
(d) the nature or extent of the reparation to be made for the
an international obligation.

The present declaration has been made for an unlimited peri
to the power of denunciation and modification attached to any
assumed by a sovereign State in its international relations. It will
force on the day on which it is received by the United Nations Sec

New York, 24 October 1979.

(Signed) Akanyi-Awunyo K

UGANDA

I hereby declare on behalf of the Government of Uganda tha
recognizes as compulsory *ipso facto* and without special agre
relation to any other State accepting the same obligation, and
tion of reciprocity, the jurisdiction of the International Court of
conformity with paragraph 2 of Article 36 of the Statute of the C

New York, 3 October 1963.

(Signed) Apollo K. KIRONDE,
Ambassador and Permanent Represe
of Uganda to the United Nation

United Kingdom of Great Britain and Northern Ireland

5 VII 04.

I have the honour, by direction of Her Majesty's Principal Secretary of State for Foreign and Commonwealth Affairs, to notify you, on behalf of the Government of the United Kingdom of Great Britain and Northern Ireland, that the United Kingdom's declaration under paragraph 2 of Article 36 of the Statute of the International Court of Justice dated 1 January 1969 is hereby amended, with immediate effect, so as to read as follows:

1. The Government of the United Kingdom of Great Britain and Northern Ireland accept as compulsory *ipso facto* and without special convention, on condition of reciprocity, the jurisdiction of the International Court of Justice, in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to terminate the acceptance, over all disputes arising after 1 January 1974, with regard to situations or facts subsequent to the same date, other than:

(i) any dispute which the United Kingdom has agreed with the other Party or Parties thereto to settle by some other method of peaceful settlement;
(ii) any dispute with the government of any other country which is or has been a Member of the Commonwealth;
(iii) any dispute in respect of which any other Party to the dispute has accepted the compulsory jurisdiction of the International Court of Justice only in relation to or for the purpose of the dispute; or where the acceptance of the Court's compulsory jurisdiction on behalf of any other Party to the dispute was deposited or ratified less than twelve months prior to the filing of the application bringing the dispute before the Court.

2. The Government of the United Kingdom also reserve the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect as from the moment of such notification, either to add to, amend or withdraw any of the foregoing reservations, or any that may hereafter be added.

New York, 5 July 2004.

(Signed) Emyr Jones Parry.

Permanent Representative of the United
Kingdom of Great Britain and Northern
Ireland to the United Nations.

PORTUGAL

25 II 05.

On behalf of the Portuguese Republic, I declare and give notice that Portugal, continuing to accept the jurisdiction of the International Court of Justice, amends its declaration made on 19 December 1955, replacing its terms by the following:

(1) Under Article 36, paragraph 2, of the Statute of the International Court of Justice, the Portuguese Republic recognizes the jurisdiction of the Court as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation (and to the extent it accepts it), until such time as notice may be given to terminate the acceptance, in all legal disputes other than:

   (i) any dispute which Portugal has agreed or shall agree with the other party or parties thereto to settle by some other method of peaceful settlement;

   (ii) any dispute with any State that has deposited or ratified the acceptance of the Court's compulsory jurisdiction or an amendment thereto so that the dispute became included in its scope less than twelve months prior to the filing of the application bringing the dispute before the Court;

   (iii) any dispute, unless it refers to territorial titles or rights or to sovereign rights or jurisdiction, arising before 26 April 1974 or concerning situations or facts prior to that date;

   (iv) any dispute with a party or parties to a treaty regarding which the jurisdiction of the International Court of Justice has, under the applicable rules, been explicitly excluded, irrespective of whether the scope of the dispute refers to the interpretation and application of the treaty provisions or to other sources of international law.

(2) The Portuguese Republic also reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect as from the moment of such notification, either to add to, amend or withdraw any of the foregoing reservations, or any that may hereafter be added.

Lisbon, 18 February 2005.

(Signed) Antonio Victor Martins MONTEIRO,
Minister for Foreign Affairs.

SENEGAL

[Translation from the French] 2 XII 85.

I have the honour, on behalf of the Government of the Republic of Senegal, to declare that, in conformity with Article 36, paragraph 2, of the Statute of the International Court of Justice, it accepts on condition of reciprocity as compulsory *ipso facto* and without special convention, in relation to any other State accepting the same obligation, the jurisdiction of the Court over all legal disputes arising after the present declaration, concerning:

- the interpretation of a treaty;
- any question of international law;
- the existence of any fact which, if established, would constitute a breach of an international obligation;
- the nature or extent of the reparation to be made for the breach of international obligation.

This declaration is made on condition of reciprocity on the part of all States. However, Senegal may reject the Court's competence in respect of:

- disputes in regard to which the parties have agreed to have recourse to some other method of settlement;
- disputes with regard to questions which, under international law, fall exclusively within the jurisdiction of Senegal.

Lastly, the Government of the Republic of Senegal reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, to add to, amend or withdraw the foregoing reservations.

Such notification would take effect on the date of its receipt by the Secretary-General.

Dakar, 22 October 1985.

(Signed) Ibrahima FALL,
Minister of Foreign Affairs
of the Republic of Senegal.

SERBIA AND MONTENEGRO[1]

26 IV 99.

I hereby declare that the Government of the Federal Republic of Yugoslavia recognizes, in accordance with Article 36, paragraph 2, of the Statute of the International Court of Justice, as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, that is on condition of reciprocity, the jurisdiction of the said Court in all disputes arising or which may arise after the signature of the present Declaration, with regard to the situations or facts subsequent to this signature, except in cases where the parties have agreed or shall

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[1] See footnote 1, p. 110, above.

URUGUAY

[Translation from the French] *Prior to* 28 I 21[1].

On behalf of the Government of Uruguay, I recognize, in relation to any Member or State accepting the same obligation, that is to say, on the sole condition of reciprocity, the jurisdiction of the Court as compulsory, *ipso facto* and without special convention.

(Signed) B. FERNANDEZ Y MEDINA.

III. CHRONOLOGICAL LIST OF OTHER INSTRUMENTS GOVERNING THE JURISDICTION OF THE COURT

Below is a chronological list of treaties and other instruments *notified to the Registry* following registration, classification or recording at the Secretariat of the United Nations which (in addition to certain texts referred to in Section I of the present chapter, the declarations reproduced in Section II and the special agreements whereby particular cases were submitted to the Court) contain clauses relating to the jurisdiction of the Court in contentious proceedings. A number of these clauses generally provide that disputes concerning the application or interpretation of the instrument may be referred to the Court for decision; others however refer only in general terms to submission of any dispute to the Court. For each instrument, the table mentions the date and place of signature, the title of the instrument, the relevant clause and the contracting parties, and also, as far as available, the number under which it has been registered or filed and recorded by the Secretariat and the volume in the United Nations *Treaty Series* in which it has been or will be published.

Where instruments prior to 1946 are mentioned they are instruments relating to the jurisdiction of the *Permanent Court of International Justice* which have been filed and recorded by the Secretariat of the United Nations and appear in the *Treaty Series* of the United Nations.

The fact that a treaty is or is not included in this section is without prejudice to its possible application by the Court in a particular case.

Any instrument not mentioned in previous *I.C.J. Yearbooks* is indicated by an asterisk.

1933	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
12 May	Ottawa	Convention concerning the rights of nationals and commercial and shipping matters (Art. 20)	Canada/France	II:545 Vol. 253
1939				
17 Dec.	Bogotá	Treaty of non-aggression, conciliation and judicial settlement (Art. XXIV)	Colombia/ Venezuela	II:896 Vol. 1257

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[1] The date on which this declaration (undated) was first published in a League of Nations document.

1940	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
30 Mar.	Caracas	Treaty for the pacific settlement of disputes	Brazil/Venezuela	II:195 Vol. 51
1944				
7 Dec.	Chicago	International air services transit agreement (Art. II, Sec. 2)	Multilateral	II:252 Vol. 84
7 Dec.	Chicago	International air transport agreement (Art. IV, Sec. 3)	Multilateral	II:502 Vol. 171
1946				
17 Apr.	Luxembourg	Convention concerning the Luxembourg railways (Art. 12)	Luxembourg/ Belgium/France	I:402 Vol. 27
4 Nov.	Nanking	Treaty of friendship, commerce and navigation (Art. XXVIII)	China[1]/ United States	I:359 Vol. 25
1946				
11 Dec.[2]	Lake Success	International convention relating to dangerous drugs, signed at Geneva, 19 Feb. 1925, as amended (Art. 32)	Multilateral	I:186 Vol. 12
11 Dec.[2]	Lake Success	International convention for limiting the manufacture and regulating the distribution of narcotic drugs, signed at Geneva on 13 July 1931, as amended (Art. 25)	Multilateral	I:186 Vol. 12
11 Dec.[2]	Lake Success	International convention for the suppression of illicit traffic in dangerous drugs, signed at Geneva on 26 June 1936, as amended (Art. 17)	Multilateral	I:186 Vol. 12
1947				
18 Apr.	Manila	Treaty of amity (Art. 2)	China[3]/Philippines	I:175 Vol. 11
9 July	Rome	Treaty of friendship and general relations (Art. V)	Italy/Philippines	I:674 Vol. 44
17 Oct.	London	Treaty regarding recognition of Burmese independence (Art. 14)	United Kingdom/ Burma	I:904 Vol. 70
12 Nov.[2]	Lake Success	Convention (concluded at Geneva on 12 Sep. 1923) for the suppression of the circulation of and traffic in obscene publications, as amended (Art. 15)	Multilateral	I:710 Vol. 46

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[1] All entries recorded throughout this Section in respect of China refer to actions taken by the authorities representing China in the United Nations at the time of those actions, and are to be understood in the light of General Assembly resolution 2758 (XXVI) of 25 October 1971.

[2] The date and place given here are those of the signature of the amending protocol.

[3] See footnote 1, above.

1957	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
20 Feb.	New York (opened for signature)	Convention on the nationality of married women (Art. 10)	Multilateral	I:4468 Vol. 309
28 Feb.	Tokyo	Treaty of commerce and navigation (Art. XVIII, para. 2)	Norway/Japan	I:4054 Vol. 280
24 Apr.	Cairo	Declaration on the Suez Canal and the arrangements for its operation (para. 9)	Egypt[1]	I:3821 Vol. 265
29 Apr.	Strasbourg (opened for signature)	European convention of the peaceful settlement of disputes	Multilateral	I:4646 Vol. 230
23 June	Kabul	Agreement relating to air services (Art. XI)	Pakistan/ Afghanistan	I:4717 Vol. 327
23 Nov.	The Hague	Agreement relating to refugee seamen (Art. 14)	Multilateral	I:7384 Vol. 506
1958				
20 Jan.	Djakarta	Treaty of peace (Art. 6)	Japan/Indonesia	I:4688 Vol. 324
3 Feb.	The Hague	Treaty instituting the Benelux Economic Union (Art. 50)	Belgium, Luxembourg, Netherlands	I:5471 Vol. 381
5 Mar.	Stockholm	Agreement relating to air services (Art. XI)	Norway/Pakistan	I:4769 Vol. 334
6 Mar.	Stockholm	Agreement relating to air services (Art. XI)	Sweden/Pakistan	I:5656 Vol. 393
10 Apr.	Copenhagen	Agreement relating to air services (Art. XI)	Denmark/Pakistan	I:4353 Vol. 302
14 Apr.	Tehran	Agreement concerning air transport (Art. 13)	Belgium/Iran	I:5473 Vol. 381
29 Apr.	Geneva (opened for signature)	Optional protocol of signature concerning the compulsory settlement of disputes[2]	Multilateral	I:6466 Vol. 450
7 June	Karachi	Agreement relating to air services (Art. XI)	Pakistan/Portugal	I:4645 Vol. 320
4 July	Karachi	Agreement relating to air services (Art. XI)	Belgium/Pakistan	I:5569 Vol. 387
21 July	Vienna	Agreement relating to air services (Art. XI)	Austria/Afghanistan	I:9236 Vol. 645
28 Nov.	Monrovia	Agreement for the establishment and operation of air services (Art. 9)	Liberia/Netherlands	I:5651 Vol. 393
1959				
30 Jan.	Tegucigalpa	Agreement on commerce (Art. XII)	Belgium, Luxembourg, Netherlands/ Honduras	I:9234 Vol. 645

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[1] See Sec. II, p. 139, above.

[2] This Protocol relates to disputes concerning the Geneva Conventions on the Law of the Sea of 29 April 1958.

1959 (cont.)	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
16 July	Rome	Agreement relating to air services (Art. XI)	India/Italy	I:6714 Vol. 464
12 Nov.	Washington	Treaty of friendship and commerce (Art. XXIII)	United States/ Pakistan	I:5816 Vol. 404
19 Nov.	Rome	Convention placing the International Poplar Commission within the framework of FAO (Art. XV)	Multilateral	I:5902 Vol. 410
25 Nov.	Paris	Convention of establishment (Art. XVI)	United States/ France	I:5764 Vol. 401
25 Nov.	Bonn	Treaty for the promotion and protection of investments (Art. 11)	Pakistan/ Fed. Rep. of Germany	I:6575 Vol. 457
1 Dec.	Washington	Antarctic treaty (Art. XI)	Multilateral	I:5778 Vol. 402
9 Dec.	Monrovia	Agreement relating to air services (Art. VIII)	Sweden/Liberia	I:6716 Vol. 464
1960				
13 Feb.[1]	Beirut	Agreement for air transport of 24 Jan. 1949, as amended (Art. 9)	Italy/Lebanon	I:3223 Vol. 497
9 Mar.	Conakry	Air transport agreement (Art. 9)	Netherlands/Guinea	I:5646 Vol. 392
15 Mar.	Geneva	Convention relating to the unification of certain rules concerning collisions in inland navigation (Art. 14)	Multilateral	I:8310 Vol. 572
24 Mar.	Berne	Agreement concerning air services (Art. 9)	Belgium/ Switzerland	I:5996 Vol. 416
8 Apr.	The Hague	Treaty concerning arrangements for co-operation in the Ems estuary (Art. 46)	Netherlands/ Fed. Rep. of Germany	I:7404 Vol. 509
8 Apr.	The Hague	Agreement to accept the compulsory jurisdiction of the International Court of Justice in disputes concerning the interpretation or application of the revised convention on Rhine navigation, 1868	Netherlands/ Fed. Rep. of Germany	I:7404 Vol. 509
24 June	Vienna	Consular convention (Art. 45)	United Kingdom/ Austria	I:7327 Vol. 502
19 Oct.	Amman	Agreement relating to air services (Art. 9)	Belgium/Jordan	I:6959 Vol. 479
9 Dec.	Tokyo	Treaty of amity, commerce and navigation (Art. XIII, para. 2)	Japan/ Philippines	I:4703 Vol. 1001

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[1] The date given here is the date of signature of the amending protocol.

1953 (cont.)	Place	Title and Clause	Contracting Parties	Treaty Series
7 Dec.[1]	New York	Slavery convention signed at Geneva on 25 Sep. 1926, as amended (Art. 8)	Multilateral	I:2861 Vol. 212
24 Dec.	Beirut	Agreement for air services (Art. 10)	Belgium/Lebanon	I:2972 Vol. 219
1954				
16 Feb.	Paris	Convention on conditions of residence and navigation (Art. 13)	Sweden/France	I:3147 Vol. 228
3 Mar.	Bangkok	Treaty of friendship (Art. VI)	Thailand/Indonesia	I:2893 Vol. 213
20 Mar.	Mexico City	Consular convention (Art. 36)	United Kingdom/ Mexico	I:4750 Vol. 331
17 Apr.	Beirut	Agreement relating to air services (Art. XIII)	Yugoslavia/ Lebanon	I:8713 Vol. 602
12 May	London (opened for signature)	International convention for the prevention of pollution of the sea by oil (Art. XIII)	Multilateral	I:4714 Vol. 327
1 June	Rome	Consular convention (Art. 37)	United Kingdom/ Italy	I:5798 Vol. 403
28 Sep.	New York	Convention relating to the status of stateless persons (Art. 34)	Multilateral	I:5158 Vol. 360
13 Oct.	Paris (opened for signature)	International convention on the standardization of methods of analysing and appreciating wines (Art. 6)	Multilateral	I:10416 Vol. 724
23 Oct.[2]	Paris	Treaty for collaboration in economic, social and cultural matters and for collective self-defence, signed at Brussels on 17 March 1948, as amended (Art. X)	Belgium, France, Luxembourg, Netherlands, United Kingdom, Fed. Rep. of Germany, Italy	I:304 Vols. 19 and 211
29 Oct.	Washington	Treaty of friendship, commerce and navigation (Art. XXVII)	United States/ Fed. Rep. of Germany	I:3943 Vol. 273
5 Nov.	Rangoon	Treaty of peace (Art. IX)	Burma/Japan	I:3542 Vol. 251
24 Nov.	Rio de Janeiro	Agreement concerning conciliation and judicial settlement (Arts. 16-22)	Italy/Brazil	I:4146 Vol. 284
1 Dec.[3]	Paris	Agreement concerning the International Institute of Refrigeration, replacing the convention of 21 June 1920 (Art. XXXIII)	Multilateral	I:11837 Vol. 826

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[1] The date and the place given here are those at which the amending protocol was opened for signature.

[2] The date and the place given here are those of the signature of the protocol modifying and completing the Treaty, by which Article VIII of the Treaty became Article X.

[3] The date and place given here are those of the signature of the revised Convention.

1954 (cont.)	Place	Title and Clause	Contracting Parties	Treaty Series
14 Dec.	Quito	Air transport agreement (Art. VIII)	Netherlands/ Ecuador	I:3233 Vol. 232
1955				
31 Jan.	Manila	Agreement for air services (Art. 11)	Philippines/ United Kingdom	I:2932 Vol. 216
5 Mar.	Paris	Consular convention (Art. 44)	Sweden/France	I:6150 Vol. 427
10 Aug.	Tripoli	Treaty of friendship and good neighbourliness (Art. 8)	France/Libya	
15 Aug.	Tehran	Treaty of amity, economic relations and consular rights (Art. XXI)	United States/Iran	I:4132 Vol. 284
17 Sep.	Lugano	Convention concerning the regulation of Lake Lugano (Art. XI)	Italy/Switzerland	I:4257 Vol. 291
20 Oct.	Berne	Additional protocol to the convention concerning the constitution of "Eurofima" (Art. 14)	Multilateral	I:5425 Vol. 378
21 Oct.	Beirut	Air transport agreement (Art. 11)	Denmark/Lebanon	I:3482 Vol. 248
13 Dec.	Paris	European convention on establishment (Art. 31)	Multilateral	I:7660 Vol. 529
1956				
27 Mar.	The Hague	Treaty of friendship, commerce and navigation (Art. XXV)	Netherlands/ United States	I:4154 Vol. 285
30 Apr.	Paris	Agreement on commercial rights of non-scheduled air services in Europe (Art. 4)	Multilateral	I:4494 Vol. 310
19 May	Geneva (opened for signature)	Convention on the contract for the international carriage of goods by road (Art. 47)	Multilateral	I:5742 Vol. 399
20 June	New York (opened for signature)	Convention on the recovery abroad of maintenance (Art. 16)	Multilateral	I:3850 Vol. 268
30 July	Bonn	Consular convention (Art. 41)	United Kingdom/ Fed. Rep. of Germany	I:4748 Vol. 330
30 Aug.	Manila	Treaty of friendship (Art. 2)	Philippines/ Switzerland	I:4284 Vol. 293
7 Sep.	Geneva	Supplementary convention on the abolition of slavery, the slave trade, and institutions and practices similar to slavery (Art. 10)	Multilateral	I:3822 Vol. 266
28 Nov.	Seoul	Treaty of friendship, commerce and navigation (Art. XXIV)	United States/ Rep. of Korea	I:4367 Vol. 302
11 Dec.	Athens	Convention on judicial settlement	Greece/Sweden	I:4316 Vol. 299

1960 (cont.)	Place	Title and Clause	Contracting Parties	Treaty Series
14 Dec.	Paris	Convention against discrimination in education (Art. 8)	Multilateral	I:6193 Vol. 429
14 Dec.[1]	New Delhi	Agreement of 11 July 1949 relating to air services, as amended (Art. X)	India/Australia	I:552 Vols. 35 and 425
18 Dec.	Tokyo	Treaty of friendship and commerce (Art. XIII)	Pakistan/Japan	I:6093 Vol. 423
1961				
21 Feb.	Brussels	Treaty of friendship, establishment and navigation (Art. 19)	Belgium/ United States	I:6967 Vol. 480
8 Mar.	Brussels	Consular convention (Art. 43)	Belgium/ United Kingdom	I:7554 Vol. 523
11 Mar.	Reykjavik	Exchange of notes constituting an agreement settling the fisheries dispute (para. 4)	Iceland/ United Kingdom	I:5710 Vol. 397
30 Mar.	New York	Single convention on narcotic drugs (Art. 48)	Multilateral	I:7515 Vol. 520
3 Apr.	Saigon	Treaty of amity and economic relations (Art. XIV)	United States/ Republic of Viet Nam	I:6106 Vol. 424
18 Apr.	Vienna	Optional protocol to the Vienna convention on diplomatic relations concerning the compulsory settlement of disputes	Multilateral	I:7312 Vol. 500
30 May	Madrid	Consular convention (Art. 53)	United Kingdom/ Spain	I:8198 Vol. 562
17 June	Conakry	Air transport agreement (Art. 9)	Sweden/Guinea	I:6729 Vol. 465
19 July	Reykjavik	Exchange of notes constituting an agreement concerning the fishery zone round Iceland (para. 5)	Iceland/ Fed. Rep. of Germany	I:5877 Vol. 409
27 July	Beirut	Agreement for the establishment and operation of air services (Art. XII)	Lebanon/Liberia	I:11304 Vol. 794
24 Aug.	Amman	Agreement relating to air services (Art. 9)	Netherlands/Jordan	I:6733 Vol. 466
30 Aug.	New York	Convention on the reduction of statelessness (Art. 14)	Multilateral	I:14458 Vol. 989
31 Aug.	Monrovia	Agreement relating to air services (Art. XII)	Switzerland/Liberia	I:8160 Vol. 559
26 Oct.	Rome	International convention for the protection of performers, producers of phonograms and broadcasting organizations (Art. 30)	Multilateral	I:7247 Vol. 496

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[1] The date given here is that of the exchange of notes which modified the Agreement and by which Article XI became Article X.

1961 (cont.)	Place	Title and Clause	Contracting Parties	Treaty Series
23 Nov.[1]	Rome	Constitution of the International Rice Commission, adopted at Washington 15/29 Nov. 1948, as amended (Art. XI)	Multilateral	I:1613 Vol. 418
23 Nov.[1]	Rome	Agreement for the establishment of Indo-Pacific Fisheries Council, adopted at Washington 15/29 Nov. 1948, as amended (Art. III)	Multilateral	I:1615 Vol. 418
1962				
23 Feb.	Luxembourg	Treaty of friendship, establishment and navigation (Art. XVII)	United States/ Luxembourg	I:6868 Vol. 474
19 Mar.	Evian	*cf.* 1962, 3 July		
21 June	Paris	Air transport agreement (Art. 9)	Norway/Guinea	I:6738 Vol. 466
27 June	Copenhagen	Consular convention (Art. 36)	United Kingdom/ Denmark	I:8197 Vol. 562
29 June	Bonn	Agreement relating to air services (Art. VIII)	Norway/Liberia	I:6739 Vol. 466
3 July[2]	Paris and Rocher-Noir	Exchange of letters and declarations adopted on 19 March 1962 at the close of the Evian talks, constituting an agreement (declaration of principles relating to the settlement of disputes)	France/Algeria	I:7395 Vol. 507
14 Nov.	London	Treaty of commerce, establishment and navigation (Art. 31)	United Kingdom/ Japan	I:6934 Vol. 478
10 Dec.	New York (opened for signature)	Convention on consent to marriage, minimum age for marriage and registration of marriages (Art. 8)	Multilateral	I:7525 Vol. 521
1963				
8 Jan.	Seoul	Consular convention (Art. 16)	United States/ Republic of Korea	I:7211 Vol. 493
24 Apr.	Vienna	Optional protocol to the Vienna convention on consular relatons concerning the compulsory settlement of disputes	Multilateral	I:8640 Vol. 596

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[1] The date and the place given here are those on which the Conference of the Food and Agriculture Organization of the United Nations approved the amendments to the instrument.

[2] The date and the places given here are those of the exchange of letters.

1963 *(cont.)*	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
13 Aug.	Asunción	Agreement on trade and navigation (Art. XVI)	Belgium, Luxembourg, Netherlands/ Paraguay	I:8572 Vol. 592
14 Sep.	Tokyo	Convention on offences and certain other acts committed on board aircraft (Art. 24)	Multilateral	I:10106 Vol. 704
26 Oct.	Niamey	Act regarding navigation and economic co-operation between the States of the Niger Basin (Art. 7)	Multilateral	I:8506 Vol. 587
31 Oct.	Paris (opened for signature)	Protocol on privileges and immunities of the European Space Research Organization (Art. 29)	Multilateral	I:11473 Vol. 805
3 Dec.[1]	Rome	Agreement for the establishment of a General Fisheries Council for the Mediterranean, drawn up at Rome on 24 Sep. 1949, as amended (Art. XIII)	Multilateral	I:1691 Vol. 490
3 Dec.	Rome	Agreement for the establishment of a Commission for Controlling the Desert Locust in the Eastern Region of Its Distribution Area in South-West Asia (Art. XVII)	Multilateral	I:7663 Vol. 529
1964				
4 Feb.	Karachi	Agreement relating to scheduled air services (Art. XII, para. B, ii)	Pakistan/Lebanon	I:8863 Vol. 614
4 May	Tokyo	Consular convention (Art. 39)	United Kingdom/ Japan	I:8179 Vol. 561
19 Sep.	Beirut	Agreement relating to air services (Art. XI)	India/Lebanon	I:11820 Vol. 825
1965				
25 Jan.	Geneva	Convention on the registration of inland navigation vessels (Art. 20)	Multilateral	I:21114 Vol. 1281
18 Mar.	Washington (opened for signature)	Convention on the settlement of investment disputes between States and nationals of other States (Art. 64)	Multilateral	I:8359 Vol. 575
21 Apr.	Belgrade	Consular convention (Art. 45)	United Kingdom/ Yugoslavia	I:8620 Vol. 595

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[1] The date and the place given here are those on which the Conference of the Food and Agriculture Organization of the United Nations approved the amendments to the Agreement.

1965 *(cont.)*	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
2 July	Rome	Agreement for establishment of a commission for controlling the desert locust in the Near East (Art. XVI)	Multilateral	I:8575 Vol. 592
7 July	London	Treaty for conciliation, judicial settlement and arbitration (Art. 14)	United Kingdom/ Switzerland	I:8765 Vol. 605
7 July	Taif	Agreement on the partition of the neutral zone (Art. 22)	Saudi Arabia/ Kuwait	I:3054 Vol. 1750
1966				
8 Feb.	Lomé	Treaty of amity and economic relations (Art. XIV)	United States/ Togo	I:9677 Vol. 680
15 Feb.	Geneva	Convention on the measurement of inland navigation vessels (Art. 14)	Multilateral	I:13899 Vol. 964
7 Mar.	New York (opened for signature)	International convention on the elimination of all forms of racial discrimination (Art. 22)	Multilateral	I:9464 Vol. 660
1967				
31 Jan.	New York	Protocol relating to the status of refugees (Art. IV)	Multilateral	I:8791 Vol. 606
14 Feb.	Mexico City	Treaty for the prohibition of nuclear weapons in Latin America (Art. 24)	Multilateral	I:9068 Vol. 634
14 Mar.	Manila	Trade agreement (Art. IX)	Belgium, Luxembourg, Netherlands/ Philippines	I:12382 Vol. 863
24 May	Kabul	Agreement relating to air services (Art. IX)	Denmark/ Afghanistan	I:9951 Vol. 695
1 June	London	Convention on conduct of fishing operations in the North Atlantic (Art. 13)	Multilateral	I:15849 Vol. 1051
10 July	Paris	International agreement on the procedure for the establishment of tariffs for scheduled air services (Art. 4)	Multilateral	I:9971 Vol. 696
14 July[1]	Stockholm	Convention for the protection of industrial property signed at Paris on 20 March 1883, as revised (Art. 28)	Multilateral	I:11851 Vol. 828
1968				
23 Feb.	Brussels	Protocol amending the international convention for the unification of certain rules of law relating to bills of lading, signed at Brussels on 25 August 1925 (Art. 8)	Multilateral	I:23643 Vol. 1412

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[1] The date and the place given here are those of the signature of the revised Convention.

1947 *(cont.)*	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
12 Nov.[1]	Lake Success	Convention (concluded at Geneva on 11 Oct. 1933) for the suppression of traffic in women of full age, as amended (Art. 4)	Multilateral	I:772 Vol. 53
1948				
24 Jan.	Paris	Agreement concerning monetary and financial relations (Art. 23)	France/Lebanon	I:2263 Vol. 173
2 Feb.	Rome	Treaty of friendship, commerce and navigation (Art. XXVI)	United States/Italy	I:1040 Vol. 79
30 Apr.	Bogotá	American treaty on pacific settlement	Multilateral	I:449 Vol. 30
21 May	New Delhi	Agreement relating to air services (Art. XI)	India/Sweden	I:543 Vol. 34
23 June	Karachi	Agreement relating to air services (Art. XI)	Pakistan/India	I:423 Vol. 28
28 June	Rome	Economic co-operation agreement (Art. X)	United States/Italy	I:314 Vol. 20
28 June	Paris	Economic co-operation agreement (Art. X)	United States/ France	I:302 Vol. 19
29 June	Copenhagen	Economic co-operation agreement (Art. X)	United States/ Denmark	I:338 Vol. 22
2 July	Vienna	Economic co-operation agreement (Art. IX)	United States/ Austria	I:323 Vol. 21
2 July	The Hague	Economic co-operation agreement (Art. X)	United States/ Netherlands	I:315 Vol. 20
2 July	Athens	Economic co-operation agreement (Art. X)	United States/ Greece	I:342 Vol. 23
2 July	Brussels	Economic co-operation agreement (Art. X)	United States/ Belgium	I:309 Vol. 19
3 July	Oslo	Economic co-operation agreement (Art. X)	United States/ Norway	I:317 Vol. 20
3 July	Reykjavik	Economic co-operation agreement (Art. X)	United States/ Iceland	I:316 Vol. 20
3 July	Nanking	Economic co-operation agreement (Art. XI)	United States/ China[1]	I:273 Vols. 17 and 45
3 July	Luxembourg	Economic co-operation agreement (Art. X)	United States/ Luxembourg	I:350 Vol. 24
3 July	Stockholm	Economic co-operation agreement (Art. IX)	United States/ Sweden	I:343 Vol. 23
4 July	Ankara	Economic co-operation agreement (Art. IX)	United States/ Turkey	I:351 Vol. 24
6 July	London	Economic co-operation agreement (Art. X)	United States/ United Kingdom	I:339 Vol. 22

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[1] See footnote 1, p. 175, above.

1948 *(cont.)*	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
28 Sep.	Lisbon	Economic co-operation agreement, as amended (Art. X)	United States/ Portugal	I:442 Vol. 29
6 Oct.	Beirut	Treaty concerning consular arrangements, navigation, civil and commercial rights and establishment (Art. 33)	Greece/Lebanon	I:1179 Vol. 87
15/29 Nov.	Washington	*cf.* 1961, 23 Nov.		
9 Dec.	Paris (opened for signature)	Convention on the prevention and punishment of the crime of genocide (Art. IX)	Multilateral	I:1021 Vol. 78
1949				
3 Jan.	Karachi	Agreement relating to air services (Art. XI)	Pakistan/Ceylon	I:428 Vol. 28
28 Apr.	Lake Success (opened for accession)	Revised general act for the pacific settlement of international disputes	Multilateral	I:912 Vol. 71
14 June	Washington	Treaty of friendship (Art. II)	Thailand/ Philippines	I:1062 Vol. 81
4 July	Berne	Convention concerning the construction and use of the Bâle-Mulhouse airport at Blotzheim (Art. 20)	France/Switzerland	I:22048 Vol. 1323
15 July	Lake Success (opened for signature)	Agreement for facilitating the international circulation of visual and auditory materials of an educational, scientific and cultural character (Art. IX)	Multilateral	I:2631 Vol. 197
30 Aug.	Ottawa	Agreement relating to air services (Art. 9)	Canada/Belgium	I:782 Vol. 53
10 Sep.	Guatemala City	Treaty of peace, friendship and co-operation (Art. 7)	Guatemala/Italy	I:1410 Vol. 102
19 Sep.	Geneva	Convention on road traffic (Art. 33)	Multilateral	I:1671 Vol. 125
20 Sep.	Beirut	Air transport agreement (Art. IX)	Netherlands/ Lebanon	I:1474 Vol. 108
20 Oct.	New Delhi	Agreement relating to air services (Art. XI)	India/Philippines	I:934 Vol. 72
31 Oct.	Tehran	Agreement relating to air services (Art. 12)	Netherlands/Iran	I:3596 Vol. 254
1950				
12 Jan.	Canberra	Agreement relating to air services (Art. XII)	Australia/Ceylon	I:789 Vol. 53
21 Jan.	Dublin	Treaty of friendship, commerce and navigation (Art. XXIII)	United States/ Ireland	I:2792 Vol. 206
27 Jan.	Mexico City	Commercial agreement (Art. VII)	Netherlands/ Mexico	I:1661 Vol. 123
18 Feb.	Tehran	Treaty of friendship (Art. IV)	Iran/Pakistan	I:2119 Vol. 161

1950 *(cont.)*	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
21 Mar.	Lake Success (opened for signature)	Convention for suppression of traffic in persons and of exploitation of prostitution of others (Art. 22)	Multilateral	I:342 Vol. 96
24 Mar.	Rome	Treaty of friendship, conciliation and judicial settlement (Arts. 18-24)	Turkey/Italy	I:1338 Vol. 96
6 Aug.	Cairo	Agreement relating to air transport services (Art. XVI)	Egypt/France	I:1710 Vol. 127
16 Aug.	Wellington	Agreement relating to air services (Art. X)	New Zealand/ Canada	I:1002 Vol. 77
28 Aug.	Manila	Treaty of friendship, consular services and establishment (Art. II)	Greece/Philippines	I:3097 Vol. 225
16 Sep.	Brussels	Commercial agreement (Art. 7)	Belgo-Luxembourg Economic Union/ Mexico	I:2523 Vol. 188
15 Dec.	London	Trade agreement (Art. 8)	United Kingdom/ Norway	I:1459 Vol. 106
1951				
2 Feb.	Paris	Treaty of cession of the territory of the Free Town of Chandernagore (Art. XI)	India/France	I:2744 Vol. 203
22 Feb.	Oslo	Consular convention (Art. 34)	United Kingdom/ Norway	I:4713 Vol. 326
8 May	London	Agreement for air services (Art. 10)	Belgium/ United Kingdom	I:2079 Vol. 158
24 May	New Delhi	Agreement relating to air services (Art. XI)	India/Netherlands	I:1471 Vol. 108
18 June	Tehran	Agreement relating to air services (Art. 12)	Denmark/Iran	I:3602 Vol. 255
28 July	Geneva (opened for signature)	Convention relating to the status of refugees (Art. 38)	Multilateral	I:2545 Vol. 189
3 Aug.	Athens	Treaty of friendship, commerce and navigation (Art. XXVI)	Greece/ United States	I:3080 Vol. 224
23 Aug.	Washington	Treaty of friendship, commerce and navigation (Art. XXIV)	Israel/ United States	I:2979 Vol. 219
7 Sep.	Addis Ababa	Treaty of amity and economic relations (Art. XVII)	United States/ Ethiopia	I:2785 Vol. 206
8 Sep.	San Francisco	Treaty of peace with Japan (Art. 22)	Multilateral	I:1832 Vol. 136
25 Sep.	Canberra	Agreement relating to air services (Art. VIII)	Netherlands/ Australia	I:1713 Vol. 128
1 Oct.	Copenhagen	Treaty of friendship, commerce and navigation (Art. XXIV)	United States/ Denmark	I:6056 Vol. 421
31 Dec.	Paris	Consular convention (Art. 49)	France/ United Kingdom	I:4744 Vol. 330

1952	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
14 Mar.	Stockholm	Consular convention (Art. 34)	Sweden/United Kingdom	I:2731 Vol. 202
9 May	Tel Aviv	Agreement for economic assistance (Art. VIII)	United States/Israel	I:226 Vol. 177
14 June	Cairo	Agreement relating to air services (Art. XIV)	Australia/Egypt	I:2269 Vol. 173
11 July	Manila	Treaty of friendship (Art. II)	India/Philippines	I:2741 Vol. 203
17 July	Karachi	Agreement relating to air services (Art. XI)	Pakistan/Netherlands	I:1980 Vol. 150
29 Aug.	Cairo	Agreement relating to air services (Art. XI)	Ethiopia/Pakistan	I:1979 Vol. 150
6 Sep.	Geneva	Universal copyright convention (Art. XV)	Multilateral	I:2937 Vol. 216
1953				
9 Jan.		Treaty of permanent friendship (Art. VI)	Costa Rica/Spain	
31 Mar.	New York (opened for signature)	Convention on the political rights of women (Art. IX)	Multilateral	I:2613 Vol. 193
31 Mar.	New York (opened for signature)	Convention on the international right of correction (Art. V)	Multilateral	I:6280 Vol. 435
2 Apr.	Tokyo	Treaty of friendship, commerce and navigation (Art. XXIV)	United States/Japan	I:2788 Vol. 206
17 Apr.	Athens	Consular convention (Art. 35)	Greece/United Kingdom	I:2582 Vol. 191
27 Apr.	Bangkok	Agreement relating to air services (Art. 10)	Thailand/Philippines	I:2274 Vol. 174
23 June	New York (opened for signature)	Protocol for limiting and regulating cultivation of poppy plant, production of, international and wholesale trade in, and use of opium (Art. 15)	Multilateral	I:6555 Vol. 456
1 July	Paris (opened for signature)	Convention for the establishment of a European Organization for Nuclear Research (Art. XI)	Multilateral	I:2701 Vol. 200
14 Sep.	Colombo	Agreement for air services (Art. 11)	Netherlands/Ceylon	I:2608 Vol. 193
24 Sep.	Helsinki	Agreement concerning a supplement to the convention of 30 January 1926 for the pacific settlement of disputes	Finland/Denmark	I:2532 Vol. 188
26 Sep.	Madrid	Economic aids agreement (Art. IX)	Spain/United States	I:2802 Vol. 207
19 Oct.	Venice	Constitution of the Intergovernmental Committee for European Migration (Art. 30)	Multilateral	I:2807 Vol. 207

1968 *(cont.)*	*Place*	*Title and Clause*	*Contracting Parti*
8 Nov.	Vienna	Convention on road traffic (Art. 52)	Multilateral
8 Nov.	Vienna	Convention on road signs and signals (Art. 44)	Multilateral
1969			
13 Feb.	Geneva	Agreement establishing the European Molecular Biology Conference (Art. VIII)	Multilateral
23 May	Vienna	Convention on the law of treaties (Art. 66)	Multilateral
25 July	Boston	International health regulations (Art. 106)	Multilateral
2 Sep.	Washington	Consular convention (Art. 46)	Belgium/ United States
8 Sep.	Mexico City	Convention on the privileges and immunities of the Agency for the Prohibition of Nuclear Weapons in Latin America (Art. 7)	Multilateral
30 Dec.	Belgrade	Consular convention (Art. 46)	Belgium/ Yugoslavia
1970			
23 Apr.	Brussels	International convention on travel contracts (Art. 32, para. 2)	Multilateral
19 June	Washington	Treaty on patent co-operation (Art. 59)	Multilateral
1 Dec.	Rome	Agreement for the establishment of a commission for controlling the desert locust in North-West Africa (Art. XVI)	Multilateral
16 Dec.	The Hague	Convention on the suppression of the unlawful seizure of aircraft (Art. 12, para. 1)	Multilateral
1971			
21 Feb.	Vienna	Convention on psychotropic substances (Art. 31)	Multilateral
14 July	Brussels	Treaty of commerce (Art. 11)	Belgium, Luxembourg, Netherlands/ USSR
17 July	Accra	Agreement for the provision of a special loan to the Government of the Republic of Ghana to facilitate the payment of medium term commercial debts (Art. VII)	United Kingdo Ghana

1971 *(cont.)*	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
24 July[1]	Paris	Convention for the protection of literary and artistic works signed at Berne on 9 September 1886, as revised (Art. 33)	Multilateral	I:25986
24 July	Paris	Universal copyright convention, signed at Geneva on 6 September 1952, as revised (Art. XV)	Multilateral	I:13444 Vol. 943
23 Sep.	Montreal	Convention for the suppression of unlawful acts against the safety of civil aviation (Art. 14)	Multilateral	I:14118 Vol. 974
6 Oct.	Paris	Convention on the establishment of the International Institute for the Management of Technology (Art. 7)	Multilateral	I:14566 Vol. 995
1972				
28 Apr.	Ankara	Consular convention (Art. 58)	Belgium/Turkey	I:15142 Vol. 1029
16 May	Basle	European convention on State immunity (Art. 34)	Multilateral	I:25699
1973				
10 May	Geneva	Agreement establishing the European Molecular Biology Laboratory (Art. XII)	Multilateral	I:13668 Vol. 954
12 June	The Hague	Protocol relating to refugee seamen (Art. II)	Multilateral	I:13928 Vol. 965
22 June	Rome	Agreement for the establishment of a Regional Animal Production and Health Commission for Asia, the Far East and the South-West Pacific (Art. XX)	Multilateral	I:14604 Vol. 997
5 Oct.	Munich	Convention on the grant of European patents (Art. 173)	Multilateral	I:16208 Vol. 1065
19 Nov.	Montevideo	Treaty of the La Plata River and its maritime limits (Art. 87)	Uruguay/Argentina	I:21424 Vol. 1295
30 Nov.	New York	International convention on the suppression and punishment of the crime of *apartheid* (Art. XII)	Multilateral	I:14861 Vol. 1015
14 Dec.	New York	Convention on the prevention and punishment of crimes against internationally protected persons, including diplomatic agents (Art. 13)	Multilateral	I:15410 Vol. 1035

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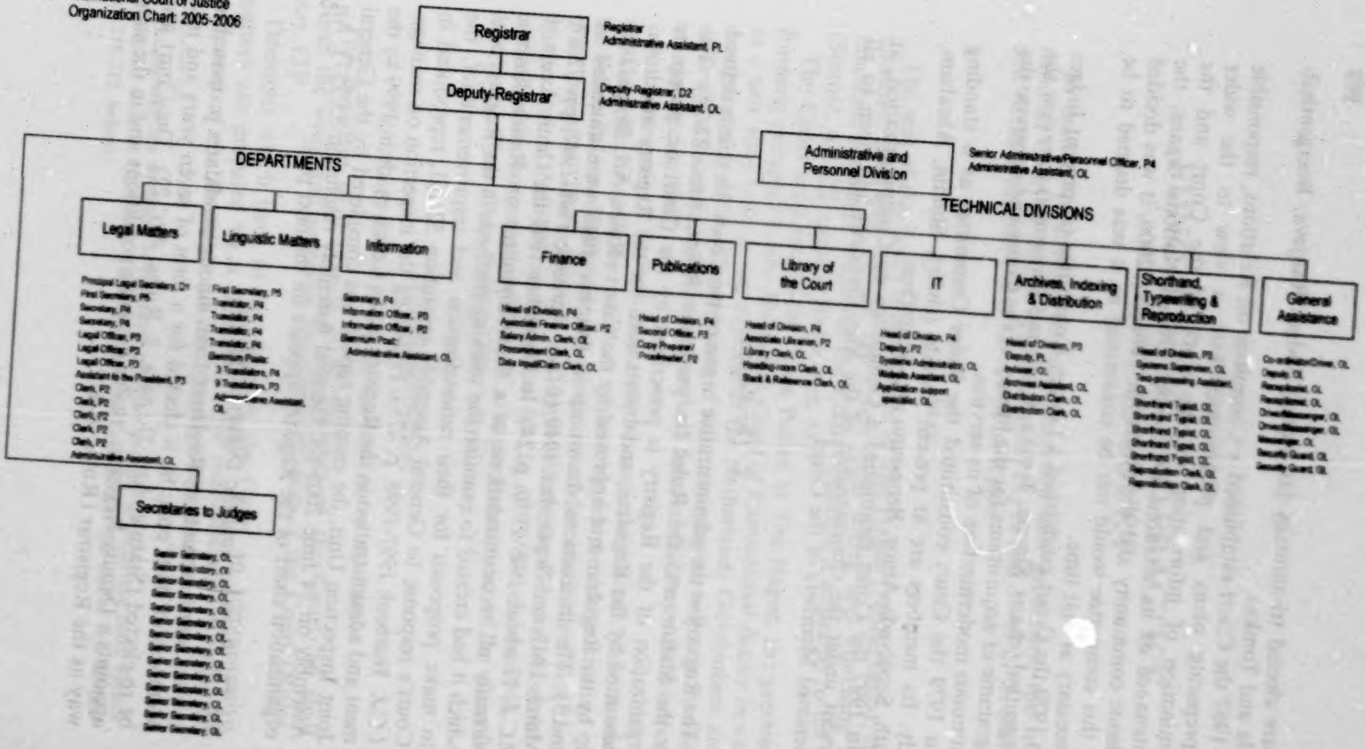
[1] The date and the place given here are those of the signature of the revised Convention.

International Court of Justice
Organization Chart: 2005-2006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Registrar
Administrative Assistant, PL
Deputy-Registrar
Deputy-Registrar, D2
Administrative Assistant, OL
Administrative and Personnel Division
Senior Administrative/Personnel Officer, P4
Administrative Assistant, OL
DEPARTMENTS
TECHNICAL DIVISIONS
Legal Matters
Principal Legal Secretary, D1
First Secretary, P5
Secretary, P4
Secretary, P4
Legal Officer, P3
Legal Officer, P3
Legal Officer, P3
Assistant to the President, P3
Clerk, P2
Clerk, P2
Clerk, P2
Clerk, P2
Clerk, P2
Administrative Assistant, OL
Linguistic Matters
First Secretary, P5
Translator, P4
Translator, P4
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Translator, P4
Biennium Posts:
3 Translators, P4
9 Translators, P3
Administrative Assistant, OL
Information
Secretary, P4
Information Officer, P3
Information Officer, P2
Biennium Post:
Administrative Assistant, OL
Finance
Head of Division, P4
Associate Finance Officer, P2
Salary Admin. Clerk, OL
Procurement Clerk, OL
Data Input/Claim Clerk, OL
Publications
Head of Division, P4
Second Officer, P3
Copy Preparer/ Proofreader, P2
Library of the Court
Head of Division, P4
Associate Librarian, P2
Library Clerk, OL
Reading-room Clerk, OL
Stack & Reference Clerk, OL
IT
Head of Division, P4
Deputy, P2
Systems Administrator, OL
Website Assistant, OL
Application support specialist, OL
Archives, Indexing & Distribution
Head of Division, P3
Deputy, PL
Indexer, OL
Archives Assistant, OL
Distribution Clerk, OL
Distribution Clerk, OL
Shorthand, Typewriting & Reproduction
Head of Division, P3
Systems Supervisor, OL
Text-processing Assistant, OL
Shorthand Typist, OL
Shorthand Typist, OL
Shorthand Typist, OL
Shorthand Typist, OL
Shorthand Typist, OL
Reproduction Clerk, OL
Reproduction Clerk, OL
General Assistance
Co-ordinator/Driver, OL
Deputy, OL
Receptionist, OL
Receptionist, OL
Driver/Messenger, OL
Driver/Messenger, OL
Messenger, OL
Security Guard, OL
Security Guard, OL
Secretaries to Judges
Senior Secretary, OL
Senior Secretary, OL
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The general functions of the Registrar are defined by the Rules of Court (Art. 26) and the Instructions for the Registry (Art. 1). He is the regular channel of communications to and from the Court, and in particular he effects all communications, notifications and transmissions of documents required by the Statute or by the Rules; he keeps a General List of all cases, entered and numbered in the order in which the documents instituting proceedings or requesting an advisory opinion are received in the Registry; he is present, in person or by his deputy, at meetings of the Court, and of the Chambers, and is responsible for the preparation of minutes of such meetings; he makes arrangements for such provision or verification of translations and interpretations into the Court's official languages (French and English) as the Court may require; he signs all judgments, advisory opinions and orders of the Court as well as the minutes; he is responsible for the administration of the Registry and for the work of all its departments and divisions, including the accounts and financial administration in accordance with the financial procedures of the United Nations; he assists in maintaining the Court's external relations, both with international organizations and States and in the fields of information and publications (official publications of the Court, press releases, etc.); finally, he has custody of the seals and stamps of the Court, of the archives of the Court, and of such other archives as may be entrusted to the Court (including the archives of the Nuremberg Tribunal).

The Deputy-Registrar assists the Registrar and acts as Registrar in the latter's absence; he has recently been entrusted with wider administrative responsibilities, including direct supervision of the Archives, Computerization and General Assistance Divisions.

The present Registrar is Mr. Philippe Couvreur, of Belgian nationality, who was elected on 10 February 2000 for a term of 7 years. Mr. Couvreur, who joined the Court in 1982 as special assistant to the Registrar and the Deputy-Registrar, had risen to the rank of Secretary, then First Secretary, in the Legal Department and had served as Principal Legal Secretary since 1995. He has lectured in public international law at various universities, including the Université Catholique de Louvain, and he is the author of a number of publications on the Court.

On 15 February 1994 the Court elected Mr. Jean-Jacques Arnaldez to the post of Deputy-Registrar for a term of 7 years, as from 19 February 1994. He was re-elected for a term of seven years on 19 February 2001. Mr. Arnaldez, who is of French nationality, was previously Legal Counsel in a Paris international law firm (1977-1982) and Counsel in the International Court of Arbitration of the International Chamber of Commerce (ICC) in Paris (1982-1994).

Previous Registrars of the Court were E. Hambro (1946-1953), J. López-Oliván (1953-1960), J. Garnier-Coignet (1960-1966), S. Aquarone (1966-1980), S. Torres Bernárdez (1980-1986) and E. Valencia-Ospina (1987-2000). Previous Deputy-Registrars were J. Garnier-Coignet (1946-1960), S. Aquarone (1960-1966), W. Tait (1966-1976), A. Pillepich (1977-1984), E. Valencia-Ospina (1984-1987) and B. Noble (1987-1994).

1974	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
19 Feb.	Madrid	Agreement on the delimitation of the continental shelf (Art. 3, para. 2)	Italy/Spain	I: 17429 Vol. 1120
22 Mar.	Helsinki	Convention on the protection of the marine environment of the Baltic Sea area (Art. 18, para. 2)	Multilateral	I: 18338 Vol. 1161
16 May	Khartoum	Agreement relating to the joint exploitation of the natural resources of the sea-bed and subsoil of the Red Sea in the common zone (Art. XVI)	Sudan/ Saudi Arabia	I: 13605 Vol. 952
1975				
26 Feb.	Salto	Treaty concerning the status of the river Uruguay (Art. 60)	Uruguay/ Argentina	I: 21425 Vol. 1295
8 Aug.	New York	Single convention on narcotic drugs, 1961, as amended (Art. 48)	Multilateral	I: 14152 Vol. 1976
1977				
24 May	Athens	Agreement on the delimitation of the respective continental shelves of the two States (Art. IV)	Greece/Italy	I: 21048 Vol. 1275
1978				
5 July	Geneva	Protocol to the convention on the contract for the international carriage of goods by road (CMR) (Art. 8)	Multilateral	I: 19487 Vol. 1208
1979				
30 Mar.	Geneva	International agreement on olive oil (Art. 14, para. 2)	Multilateral	I: 19674 Vol. 1219
10 May	Manila	Treaty of amity, commerce and navigation (Art. XV, para. 2)	Japan/Philippines	I: 20979 Vol. 1272
8 Apr.	Vienna	Constitution of the United Nations Industrial Development Organization (UNIDO) (Art. 22, para. 1 *(b)*)	Multilateral	I: 23432 Vol. 1401
17 Dec.	New York	International convention against the taking of hostages (Art. 16, para. 1)	Multilateral	I: 21931 Vol. 1316
18 Dec.	New York	Convention on the elimination of all forms of discrimination against women (Art. 29)	Multilateral	I: 20378 Vol. 1249
1980				
20 May	Canberra	Convention on the conservation of Antarctic marine living resources	Multilateral	I: 22301 Vol. 1329
30 Oct.	Lima	General peace treaty (Arts. 31-36 and 39)	El Salvador/ Honduras	I: 21856 Vol. 1310

1981	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
23 Jan.	Cotonou	Agreement concerning technical co-operation (Art. XI)	Switzerland/Benin	I: 19804 Vol. 1226
1984				
10 Dec.	New York	Convention against torture and other cruel, inhuman or degrading treatment or punishment (Art. 30, para. 1)	Multilateral	I: 24841 Vol. 1465
1985				
22 Mar.	Vienna	Vienna convention for the protection of the ozone layer (Art. 11)	Multilateral	I: 26164 Vol. 1513
8 Nov.	Geneva	Agreement concerning the establishment of a branch office of the Organization in Madrid (Art. 8, para. 2)	International Labour Organization/Spain	I: 24015 Vol. 1422
10 Dec.	New York	International convention against *apartheid* in sports (Art. 19)	Multilateral	I: 25822 Vol. 1500
1986				
21 Mar.	Vienna	Vienna convention on the law of treaties between States and international organizations or between international organizations (Art. 66, para. 2)	Multilateral	
1988				
10 Mar.	Rome	Convention for the suppression of unlawful acts against the safety of maritime navigation (Art. 18, para. 1)	Multilateral	I: 29004 Vol. 1678
20 Dec.	Vienna	United Nations convention against illicit traffic in narcotic drugs and psychotropic substances (Art. 32)	Multilateral	I: 27627 Vol. 1582
1989				
19 Oct.	Berne	Treaty on extradition (Art. 17, para. 2)	Philippines/ Switzerland	I: 34124 Vol. 1994
4 Dec.	New York	International convention against the recruitment, use, financing and training of mercenaries (Art. 17, para. 1)	Multilateral	I: 37789 Vol. 2163
1990				
18 Dec.	New York	International Convention on the protection of the rights of all migrant workers and members of their families (Art. 92, para. 1)	Multilateral	I: 39481 Vol. 2220
1991				
25 Feb.	Espoo	Convention on environmental impact assessment in a transboundary context (Art. 15, para. 2)	Multilateral	I: 34028 Vol. 1989

1991 *(cont.)*	*Place*	*Title and Clause*	*Contracting Partie*
1 Mar.	Montreal	Convention on the marking of plastic explosives for the purpose of detection (Art. XI, para. 1)	Multilateral
25 Nov.	Berne	Treaty on mutual assistance in criminal matters (Art. 21, para. 3)	Australia/ Switzerland
1992			
17 March	Helsinki	Convention on the protection and use of transboundary watercourses and international lakes (Art. 22, para. 1)	Multilateral
9 May	New York	United Nations framework convention on climate change (Art. 14, para. 2)	Multilateral
5 June	Rio de Janeiro	Convention on biological diversity (Art. 27, para. 3)	Multilateral
1993			
10 May	Canberra	Convention for the conservation of southern bluefin tuna (Art. 16, para. 2)	Multilateral
14 Oct.	Dakar	Agreement on management and co-operation (Art. 9)	Senegal/ Guinea-Bissau
1994			
14 June	Oslo	Protocol to the 1979 Convention on long-range transboundary air pollution on further reduction of sulphur emissions (Art. 9)	Multilateral
1996			
10 Sep.	New York	Comprehensive nuclear test ban treaty (Art. 6, paras. 2 and 3)	Multilateral
28 Oct.	New York	Agreement on the establishment of the International Vaccine Institute (Art. 7, paras. 2 and 3)	Multilateral
1997			
15 Dec.	New York	International convention for the suppression of terrorist bombings (Art. 20, para. 1)	Multilateral
1998			
18 June	Tampere	Convention on the provision of telecommunication resources for disaster mitigation and relief operations (Art. 11, para. 3 *(b)*)	Multilateral

1998 (*cont.*)	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
24 June	Aarhus	Protocol to the 1979 convention on long-range transboundary air pollution on persistent organic pollutants (Art. 12, para. 2 *(a)*)	Multilateral	I:21623
24 June	Aarhus	Protocol to the 1979 convention on long-range transboundary air pollution on heavy metals (Art. 11, para. 2 *(a)*)	Multilateral	I:21623
25 June	Aarhus	Convention on access to information, public participation in decision-making and access to justice in environmental matters (Art. 16, para. 2 *(a)*)	Multilateral	I:37770 Vol. 2161
17 July	Rome	Statute of the International Criminal Court	Multilateral	I:38544 Vol. 2187
10 Sep.	Rotterdam	Convention on the prior informed consent procedure for certain hazardous chemicals and pesticides in international trade (Art. 20, para. 2 *(b)*)	Multilateral	I:39973 Vol. 2244
1999				
*27 Jan.	Strasbourg	Criminal law convention on corruption	Multilateral	
17 June	London	Protocol on water and health to the 1992 convention on the protection and use of transboundary watercourses and international lakes (Art. 20, para. 2 *(b)*)	Multilateral	I:33207
*14 July	Algiers	OAU convention on the prevention and combating of terrorism	Multilateral	
30 Nov.	Göteborg	Protocol to the 1979 convention on long-range transboundary air pollution to abate acidification, eutrophication and ground-level ozone (Art. 11, paras. 2 and 4)	Multilateral	I:21623
9 Dec.	New York	International convention for the suppression of the financing of terrorism (Art. 24, para. 1)	Multilateral	I:38349 Vol. 2178
2000				
12 Dec.	Palermo	Protocol against the smuggling of migrants by land, sea and air, supplementing the United Nations convention against transnational organized crime (Art. 20, para. 2)	Multilateral	I:39574

2000 *(cont.)*	*Place*	*Title and Clause*	*Contracting Parties*
12 Dec.	Palermo	Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations convention against transnational organized crime (Art. 15, para. 2)	Multilateral
12 Dec.	Palermo	United Nations convention against transnational organized crime (Art. 35, para. 2)	Multilateral
2001			
22 May	Stockholm	Convention on persistent organic pollutants (Art. 16, para. 2)	Multilateral
31 May	New York	Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations convention against transnational organized crime (Art. 16, para. 2)	Multilateral
*3 Nov.	Rome	International treaty on plant genetic resources for food and agriculture	Multilateral
2002			
*9 Sep.	The Hague	Agreement on the privileges and immunities of the International Criminal Court	Multilateral
2003			
21 May	Kiev	Protocol on civil liability and compensation for damage caused by the transboundary effects of industrial accidents on transboundary waters to the 1992 convention on the protection and use of transboundary watercourses and international lakes and to the 1992 convention on the transboundary effects of industrial accidents (Art. 26)	Multilateral
21 May	Kiev	Protocol on pollutant release and transfer registers to the convention on access to information, public participation in decision-making and access to justice in environmental matters (Art. 23)	Multilateral

2003 *(cont.)*	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
31 Oct.	Merida	United Nations convention against corruption (Art. 66, para. 2)	Multilateral	I:42146
2004				
2 Dec.	New York	United Nations convention on jurisdictional immunities of States and their property (Art. 27, para. 2)	Multilateral	
2005				
13 Apr.	New York	International convention for the suppression of acts of nuclear terrorism (Art. 23, para. 2)	Multilateral	I:44004

CHAPTER V

FUNCTIONING AND PRACTICE OF THE COURT

In matters concerning its administration and procedure, the International Court of Justice applies Articles 21, 22 and 39-68 of its Statute and Articles 12, 19-31 and 38-109 of its Rules.

I. SEAT

The seat of the Court is established at The Hague (Netherlands); this however, does not prevent the Court from sitting and exercising its functions elsewhere whenever the Court considers it desirable to do so (Statute, Art. 22, para. 1; Rules, Art. 55).

The Court occupies, in the Peace Palace at The Hague, the premises formerly occupied by the *Permanent Court of International Justice* as well as a new wing built at the expense of the Netherlands Government and inaugurated in 1978. An extension of that new wing as well as a number of newly constructed offices on the third floor of the Peace Palace were inaugurated in 1997.

An agreement of 21 February 1946 between the United Nations and the Carnegie Foundation, which is responsible for the administration of the Peace Palace, determines the conditions under which the Court uses these premises. The agreement was approved by the General Assembly of the United Nations in resolution 84 (I) of 11 December 1946. It provides for the payment to the Carnegie Foundation of an annual contribution (see Chap. VIII, p. 368, below).

II. ADMINISTRATION

1. The Presidency and the Committees of the Court

The President shall preside at all meetings of the Court; he shall direct the work and supervise the administration of the Court (Rules, Art. 12)[1].

Decisions which have to be taken by the Court on administrative matters are prepared by a Budgetary and Administrative Committee composed of the President (chair), the Vice-President and five judges who are elected tri-annually (at present Judges Ranjeva, Buergenthal, Owada and Tomka).

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[1] Occasionally the President is requested by third persons to undertake tasks outside the judicial work of the Court. These activities are described at the end of this chapter (pp. 218-219, below).

In 1967 the Court established a Committee on Relations, responsible for preparing plans and programmes with a view to the wider dissemination of information on the work of the Court and the maintenance of its relations with other United Nations organs, the academic community and the media. In February 2006, it was decided that this committee would not be constituted as it was deemed to be unnecessary at that time.

In 1970 the Court established a Library Committee (at present Judges Buergenthal (chair), Simma, Tomka, Keith and Bennouna) to review the programme of acquisitions for the library of the Court and supervise the continuous modernization of its services.

In 1979 the Court constituted the Rules Committee as a standing body. Its members are at present Owada (chair), Simma, Abraham, Keith, Sepúlveda-Amor, Bennouna and Skotnikov.

In 1997 the Court established a Committee on Computerization, at present under the chairmanship of the Vice-President and open to all interested Members of the Court.

2. The Registry

The Registry is the administrative organ of the Court. Its role is defined by the Statute and the Rules (in particular Rules, Arts. 22-29). The organization of the Registry is prescribed by the Court on proposals submitted by the Registrar, and Instructions for the Registry are drawn up by the Registrar and approved by the Court (Rules, Art. 28, paras. 2 and 3). The instructions drawn up in October 1946 were amended in March 1947 and September 1949 (*I.C.J. Yearbook 1946-1947*, pp. 72-87; *I.C.J. Yearbook 1949-1950*, p. 24). In December 1997 the Court accepted virtually all recommendations of a Sub-Committee on Rationalization which it had created to examine the working methods in the Registry and to make proposals for their rationalization and improvement (cf. the Court's response to General Assembly resolution 52/161, reproduced in *I.C.J. Yearbook 1997-1998*, p. 275). Following the inspection on management and administration in the Registry of the Court, made in 1999 by the Joint Inspection Unit, the ensuing report was considered by the General Assembly on 14 June 2001 (cf. General Assembly resolution 55/257). An organization chart of the Registry appears on the next page.

(a) *The Registrar and the Deputy-Registrar*

The Court appoints its Registrar from among candidates proposed by Members of the Court; he is elected for a term of seven years and may be re-elected (Statute, Art. 21, para. 2; Rules, Art. 22). The Court also appoints a Deputy-Registrar, under the same conditions and in the same way as the Registrar (Rules, Art. 23).

(b) *Departments of the Registry*

The officials of the Registry are appointed by the Court on proposals submitted by the Registrar (Statute, Art. 21, para. 2; Rules, Art. 25). General Service staff, however, are appointed by the Registrar with the approval of the President. Short-term staff are appointed by the Registrar. (Rules, Art. 25; Staff Regulations for the Registry, Art. 5; Instructions for the Registry, Art. 4).

All officials of the Registry, whether permanent or temporary, must be proficient in English and French and those whose work involves linguistic responsibilities must have one of these languages as their first language.

The following table gives a list of officials employed by the Registry (both on a permanent basis and under fixed-term contracts) as at 31 July 2006.

	Date of assumption of duties	*Nationality*
Department of Legal Matters		
Principal Legal Secretary		
H. Thirlway	1 March 2003	British
First Secretary		
J.-P. Isselé	5 April 1988	French
Secretaries		
F. Ouguergouz	6 February 1995	Algerian
S. Punzhin	1 August 1997	Russian
Legal Officers		
Ms N. Wiles	17 July 2000	British
N. Burniat	1 June 2002	Belgian
Assistant to the President		
Ms P. Webb	1 April 2006	Australian
Law Clerks		
G. Etienne	3 June 2002	French
Ms G. Kothari	1 August 2004	British
Ms M. Castro Granja	2 June 2000	Spanish
Ms R. Teitelbaum	1 June 2006	American
Ms C. Hoss	3 January 2006	German
Ms F. Zaoui	1 February 2006	French
Department of Linguistic Matters		
First Secretary		
E. Gassama	4 March 2002	Senegalese
Translators/Interpreters		
T. Johnston	1 September 1998	British
P. Hilgert	29 August 2001	French

J. Scharfer	17 April 2000	American and French
Ms A. Bailleul	1 January 2006	French
T. Kirk	1 March 2006	British
Ms N. Apfelbaum-Lubek	5 June 2001	French and Canadian
Ms V. Sorensen Ravnso	21 January 2002	French
Ms M. Vidil	1 July 2001	French
Ms L. Wagner	14 April 2003	French
J.-A. Trine	6 September 2004	French
Ms S. Henry	30 August 2004	French

Department of Information

Secretary

Ms L. Blairon	1 October 1997	Belgian

Information Officers

B. Heim	1 February 2002	French
M. Schouppe	1 November 2005	Belgian

Publications Division

S. H. Herd Head of Division	1 August 1987	British
Ms F. Bouillé-Chiche Deputy Head of Division	5 August 2002	French
A. Baudat	1 November 2000	Swiss

Finance Division

M. Mendella Head of Division	1 April 1986	Canadian
Ms C. Sappore-Siaw Deputy Head of Division	1 January 1999	Gambian
C. Uriot	1 March 1981	Dutch
T. Komnenović	1 August 1973	Yugoslav
Ms S. Kablan-Tasan	1 August 2002	Turkish

Administrative/Personnel Division

L.-H. Jordans Head of Division	15 February 2006	Dutch

Documents Division/Library of the Court

Ms J. Rangel Librarian, Head of Division	1 January 2003	Brazilian
M. Schiethart Deputy Head of Division	1 January 1981	Dutch
Ms C. Fumé	23 July 2002	French

G. Vooijs	1 January 1981	Dutch
Ms A. Barkworth	19 August 2002	Canadian and Dutch
Archives, Indexing and Distribution Division		
S. R. S. Bedi Head of Division	16 September 1985	Indian
M. Sow Deputy Head of Division	1 August 1985	Senegalese
Distribution		
D. Ahanhanzo	1 July 2001	Beninese
B. J. van Veen	1 March 1982	Dutch
Administrative Assistants		
Ms A.-M. Curvers	1 September 1996	Belgian
Ms D. Brouillet-Sourisseau	1 January 1990	French
Ms A. Hooft-Dupont	22 September 1997	Belgian
Ms A. Dumoulin	14 May 2001	French
Ms S. Burer	1 June 1999	Dutch
Ms M.-F. Teven	30 January 1995	French
Ms A. Almy	1 February 2005	American
Shorthand, Typewriting and Reproduction Division		
Ms H. E. Jeffares Head of Division	1 October 1993	Irish
Ms B. Chassang Deputy Head of Division	1 October 1999	French
Shorthand Typists		
French-speaking		
Ms E. Rabilloud	13 May 2002	French
Ms M. Maniacky	1 September 2002	French
Ms R. Baquedano	6 January 2003	French
Ms B. Dalsbaek	1 April 2004	French
Ms A. Robert	7 July 2005	French
Ms G. Catroux	18 July 2005	French
English-speaking		
Ms L. Tanggahma	14 March 2001	Dutch
Ms L.-A. Adam	1 November 2004	Canadian
Reproduction		
G. D'Olivo	1 December 1982	Italian and Dutch
E. van Heeswijk	17 August 1993	Dutch
Secretaries of Members of the Court		
Ms M. Page	1 January 1981	French

Co-ordinator		
Ms W. Ch. Deelder	1 July 1982	Dutch
Ms M. Cleary-Cogan	16 January 1989	British
Ms J. E. van Hamel-Newall	1 November 1985	British
Ms J. Devisme	1 January 1986	French
Ms H. H. Muijen	1 April 1986	Dutch
Ms A. Rowland-Moore	1 January 1989	British
Ms M. Sullivan	1 January 1990	British
Ms Ch. L. Kamers	8 March 1993	Dutch
Ms D. Okandeji	8 September 1997	French
Ms C. Wainwright	1 January 1999	Australian
Ms I. Kieffer	25 June 2001	French
Ms S. van Beek	1 May 2002	American
Ms Y. Hoogenhout	1 September 2002	Australian and Dutch
Ms G. Mould	9 May 2005	British

Computerization Division

G. Auber Head of Division	1 July 2003	French
K. Coulibaly	8 April 2004	Ivorian
L. Ber	5 April 2004	Cambodian
Ms J. Blight	1 March 2004	Australian

General Assistance Division

R. Pijl Co-ordinator	1 January 1990	Dutch
H. R. I. Castens Registry Clerk	1 June 1999	Dutch

Telephone Operators/Receptionists

Ms M. Buan	1 October 1991	Dutch
Ms J. Kamga	24 February 2003	Cameroonian

Security Guards

J. J. Neüs	1 June 1999	Dutch
P. Kelapanda	1 October 2004	Indian
R. Fischer	1 June 2005	Dutch

Messenger

D. Driessen	1 April 1982	Dutch

(c) *Staff Regulations for the Registry*

Article 28, paragraph 4, of the Rules of Court states:

> "The staff of the Registry shall be subject to Staff Regulations drawn up by the Registrar, so far as possible in conformity with the United Nations Staff Regulations and Staff Rules, and approved by the Court."

On 7 March 1979 the Court adopted new Staff Regulations for the Registry, which are reproduced in Chapter VI of the *I.C.J. Yearbook 1978-1979* (pp. 127-131). In November 1987 these Staff Regulations were amended (see *I.C.J. Yearbook 1988-1989*, pp. 163-164), in July 1996, in April 1997 (see *I.C.J. Yearbook 1997-1998*, p. 265), in December 2000 and in September 2002.

Before 1979 staff members of the Registry had been subject to Staff Regulations adopted by the President and approved by the Court in March 1947 in accordance with Article 18, paragraph 2, of the 1946 Rules of Court; these Staff Regulations had been amended in February and March 1950 and in June 1951 (see *I.C.J. Yearbook 1946-1947*, pp. 66-71; *I.C.J. Yearbook 1949-1950*, pp. 23-24; *I.C.J. Yearbook 1950-1951*, pp. 25-27).

(d) *Privileges and immunities*

In the Netherlands, in accordance with the terms of an exchange of letters, dated 26 June 1946, between the President of the Court and the Minister for Foreign Affairs of the Netherlands, the Registrar is, in a general way, accorded the same treatment as heads of diplomatic missions accredited to Her Majesty the Queen of the Netherlands, and officials of the Registry are treated as officials of comparable rank attached to diplomatic missions at The Hague (*I.C.J. Acts and Documents No. 5*, pp. 201-207).

By resolution 90 (I) of 11 December 1946 (*ibid.*, pp. 207-211) the General Assembly of the United Nations recommended that, on journeys in connection with the exercise of his functions, the Registrar should enjoy all the privileges, immunities and facilities granted to diplomatic envoys and that the officials of the Registry should, in the same circumstances, enjoy such privileges, immunities and facilities for residence and travel as may be necessary for the independent exercise of their functions.

This resolution also contains a recommendation calling upon Members of the United Nations to recognize and accept the United Nations laissez-passer issued to the Registrar and officials of the Registry by the Court. Such laissez-passer have been issued since 1950. They are similar in form to those issued by the Secretary-General of the United Nations. They are signed by the President of the Court and by the Registrar.

3. *Relations with the Public*

(a) *Correspondence*

Article 26, paragraph 1 *(a)*, of the Rules of Court states that the Registrar shall "be the regular channel for communications to and from the Court".

Consequently, correspondence should be addressed to *The Registrar, International Court of Justice, Peace Palace, Carnegieplein 2, 2517 KJ The Hague, Netherlands* (telefax (+3170) 364 99 28).

Queries may also be sent in either English or French via the Court's website[1].

The Court's telephone number is (+3170) 302 23 23.

(b) *Access to the Court's library and archives*

The library of the Court is separate from the library of the Peace Palace, which is situated in the same building but is administered by the Carnegie Foundation. The relations between the two libraries were the subject of an exchange of notes dated 29 and 30 July 1946 (*I.C.J. Yearbook 1946-1947*, pp. 98-99). The public has access to the Peace Palace Library, but the library of the Court is private.

The Court's library keeps the archives of the Nuremberg *International Military Tribunal*, as entrusted to the Court pursuant to a decision of that Tribunal dated 1 October 1946. These archives, which relate solely to the trial of the major war criminals tried in 1945-1946, may be consulted on written application to the Registrar.

Neither the archives of the Court itself nor those of the *Permanent Court of International Justice* are open to the public (Rules, Art. 26, para. 1 *(n)*).

(c) *Information*

Article 26, paragraph 1 *(k)* and *(m)*, of the Rules of Court provides that the Registrar shall "deal with enquiries concerning the Court and its work" and "ensure that information concerning the Court and its activities is made accessible to governments, the highest national courts of justice, professional and learned societies, legal faculties and schools of law, and public information media". For the purpose of carrying out this function, the Registrar is assisted by the Information Department.

The Registrar arranges as he considers necessary for the publication of information concerning the composition, jurisdiction and work of the Court, and the cases before the Court[2].

On 25 September 1997, the Court launched its website, which is available in both English and French. It features the full text of the Court's Judgments and Orders since 1970 (since 1997, posted on the day they are delivered), and the Advisory Opinions it has given since 1990, summaries of past decisions, most of the relevant documents in pending cases (Application or Special Agreement and written and oral pleadings); unpublished pleadings available in electronic form for cases prior to 1970; all the publications of the Permanent Court of International Justice; press releases; some basic documents (United Nations Charter and the Statute and Rules of the Court); declarations recognizing as privileges and immunities as may be required for the independent exercise of their duties (Statute, Art. 42, para. 3; *I.C.J. Acts and Documents No. 5*, pp. 205 and 209).

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[1] It is not possible for the Registry to give legal advice or to enter into correspondence with private persons concerning any matter at issue between them and the authorities of their own or another country.

[2] These publications are distinct from the publications of the Court issued by the Registry: see below, Chap. VII, pp. 324-326.

The President, who is required to ascertain the views of the parties on questions of procedure, summons the agents to meet him as soon as possible after their appointment and whenever necessary thereafter (Rules, Art. 31).

(b) *Written proceedings*

The written proceedings comprise the filing of pleadings within time-limits fixed in orders made by the Court or, if it is not sitting, the President; the pleadings are in principle confined to a Memorial and a Counter-Memorial, though the Court may if it thinks fit authorize or direct that there be a Reply and a Rejoinder (Statute, Art. 43; Rules, Arts. 44-46 and 48; Instructions for the Registry, Art. 14; Practice Direction I).

The party's submissions are set out in each pleading (Rules, Art. 49; Practice Direction II).

The agent of the party filing the pleading supplies the Registry (Statute, Art. 43, paras. 3 and 4; Rules, Arts. 50-52; Practice Directions III and IV) with the following:

- an original copy of the pleading, signed by him, to which is annexed a certified copy of any relevant document adduced in support of the contentions put forward;
- an English or French translation, certified by him to be accurate, of any part of a pleading or annexed document submitted in another language;
- a copy, certified by him, of the pleading and annexed documents, for communication to the other party;
- 125 further copies of the pleading and annexed documents (75 of which should be on paper, while 50 may be on CD-ROM);
- an electronic copy of any pleading;
- in the case of any document of which only parts are relevant and only necessary extracts have been annexed to the pleading, a copy of the whole document.

The format for the pleadings and annexes is 19 × 26 cm. If they are submitted in printed form, which is not compulsory, it is recommended that the Court's Typographical Rules (supplied by the Registry on request) be complied with.

The Registry usually translates, for the judges, pleadings and annexed documents, filed in one of the official languages of the Court, into the other official language (Rules, Art. 26, para. 1 *(g)*).

The Registrar arranges for the publication of press releases giving information concerning the course of the written proceedings. Moreover, the Court may, after ascertaining the views of the parties, communicate

the pleadings on request to any State entitled to appear before the Court. It may also, after ascertaining the parties' views, make the pleadings available to the general public and the media on or after the opening of the oral proceedings (Rules, Art. 53); this is generally done by posting them on the Court's website and by depositing copies in a number of libraries, including the Peace Palace Library. The pagination of the pleadings and annexed documents which may thus be made accessible is provisional in character. They are not given their final pagination until they are published in the *I.C.J. Pleadings* series (see *(e)* below).

(c) *Oral proceedings*

Upon the closure of the written proceedings, a case is ready for hearing. The opening date of the oral proceedings is fixed by the Court or, if it is not sitting, the President (Rules, Art. 54). Public sittings are held at the seat of the Court, on weekdays. They are devoted to hearing the arguments of counsel and such evidence of witnesses or experts as the parties may call; the Court itself may also arrange for a witness to be heard, entrust any individual, body or organization with the task of giving an expert opinion or decide on an inspection *in loco*[1] (Statute, Arts. 43-46 and 48-51; Rules, Arts. 57-68; Instructions for the Registry, Art. 20; Practice Direction VI).

The Court settles the order in which the parties are heard, the number of counsel who will address the Court, and the method of handling the evidence (Rules, Art. 58, para. 2). It is customary for the parties to present their arguments in the order in which their pleadings have been encourage States to settle their disputes peaceably by submitting them to the Court. The Fund is open to States in all circumstances where the jurisdiction of the Court (or the admissibility of the application) is not or is no longer the subject of dispute on their part. A further purpose of the Fund is to help States parties to a dispute to comply with the judgment rendered by the Court.

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[1] In the *Corfu Channel (United Kingdom* v. *Albania)* case, the Court heard witnesses and experts presented by each of the Parties, appointed experts by Order and prescribed an enquiry on the spot. In the *Temple of Preah Vihear (Cambodia* v. *Thailand)* case, it heard witnesses and experts presented by each of the Parties. In the *South West Africa (Ethiopia* v. *South Africa; Liberia* v. *South Africa)* cases, it heard witnesses and experts presented by one Party, but did not accede to a request concerning an inspection *in loco*. In *Continental Shelf (Tunisia/Libyan Arab Jamahiriya)*, it heard an expert presented by one Party. The Chamber constituted in the *Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada/United States of America)* case heard an expert presented by one Party and itself appointed, by Order, at the request of the Parties and in accordance with the Special Agreement concluded between them, a technical expert to assist it in its work. In the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)*, the Court heard experts presented by each of the Parties. In the case concerning *Military and Paramilitary Activities in and against Nicaragua (Nicaragua* v. *United States of America)* it heard witnesses presented by one Party. The Chamber constituted in the case concerning *Elettronica Sicula S.p.A. (ELSI) (United States of America* v. *Italy)* heard witnesses presented by one of the Parties and experts presented by each of them. In the case concerning the *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening)* the Court heard a witness presented by one of the Parties, but did not accede to a request concerning an inspection *in loco*. The Court did pay a visit to the site of the hydroelectric dam project at Gabčíkovo-Nagymaros in the case concerning *Gabčíkovo-Nagymaros Project (Hungary/Slovakia)*. In the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina* v. *Serbia and Montenegro)* the Court heard witnesses, experts and witness-experts presented by both Parties.

3. *Occasional Rules in Contentious Cases*

(a) *Provisional measures*

The Court has the power to indicate provisional measures (Statute, Art. 41). A request for such measures is treated as a matter of urgency, and the Court's decision is given in an order (Rules, Arts. 73-78)[1].

(b) *Joinder of proceedings*

The Court may direct that the proceedings in two or more cases be joined (Rules, Art. 47). It does this by means of an order[2].

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[1] Such provisional measures have been requested in the following 35 cases: *Anglo-Iranian Oil Co. (United Kingdom* v. *Iran); Interhandel (Switzerland* v. *United States of America); Fisheries Jurisdiction (United Kingdom* v. *Iceland) (Federal Republic of Germany* v. *Iceland); Nuclear Tests (Australia* v. *France) (New Zealand* v. *France); Trial of Pakistani Prisoners of War (Pakistan* v. *India); Aegean Sea Continental Shelf (Greece* v. *Turkey); United States Diplomatic and Consular Staff in Tehran (United States of America* v. *Iran); Military and Paramilitary Activities in and against Nicaragua (Nicaragua* v. *United States of America); Frontier Dispute (Burkina Faso/Republic of Mali)* (case referred to a Chamber); *Border and Transborder Armed Actions (Nicaragua* v. *Honduras)* (in this case the request was withdrawn); *Arbitral Award of 31 July 1989 (Guinea-Bissau* v. *Senegal); Passage through the Great Belt (Finland* v. *Denmark); Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya* v. *United Kingdom) (Libyan Arab Jamahiriya* v. *United States of America); Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina* v. *Serbia and Montenegro)* (in this case two requests were made by Bosnia and Herzegovina and one by Serbia and Montenegro; *Land and Maritime Boundary between Cameroon and Nigeria (Cameroon* v. *Nigeria); Request for an Examination of the Situation in Accordance with Paragraph 63 of the Court's Judgment of 20 December 1974 in the Nuclear Tests* (New Zealand *v.* France) *Case; Vienna Convention on Consular Relations (Paraguay* v. *United States of America); LaGrand (Germany* v. *United States of America)*; in the ten cases concerning *Legality of Use of Force (Serbia and Montenegro* v. *Belgium) (Serbia and Montenegro* v. *Canada) (Serbia and Montenegro* v. *France) (Serbia and Montenegro* v. *Germany) (Serbia and Montenegro* v. *Italy) (Serbia and Montenegro* v. *Netherlands) (Serbia and Montenegro* v. *Portugal) (Yugoslavia* v. *Spain) (Serbia and Montenegro* v. *United Kingdom) (Yugoslavia* v. *United States of America); Armed Activities on the Territory of the Congo (Democratic Republic of the Congo* v. *Uganda); Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo* v. *Belgium); Armed Activities on the Territory of the Congo (New Application: 2002) (Democratic Republic of the Congo* v. *Rwanda); Avena and Other Mexican Nationals (Mexico* v. *United States of America)*; *Certain Criminal Proceedings in France (Republic of the Congo* v. *France)*; and *Pulp Mills on the River Uruguay (Argentina* v. *Uruguay)*.

[2] Proceedings were joined in the following cases: *South West Africa (Ethiopia* v. *South Africa; Liberia* v. *South Africa); North Sea Continental Shelf (Federal Republic of Germany/Denmark; Federal Republic of Germany/Netherlands)*.

(c) *Preliminary objections*

Preliminary objections (see Chap. III, p. 117, above) must be filed as soon as possible, and not later than three months after the delivery of the Memorial (Rules, Art. 79). Notwithstanding that provision the Court, following the submission of the application in a case and after the President has met and consulted with the parties, may decide that any questions of jurisdiction and admissibility shall be determined separately. Where the Court so decides, the parties shall submit any pleadings as to jurisdiction and admissibility within the time-limits fixed by the Court and in the order determined by it. Preliminary objections suspend the proceedings on the merits and may be answered by the observations and submissions of the opposing party, to be filed within a time-limit fixed by an order. In accordance with Practice Direction V, this time-limit should generally not exceed four months from the date of the filing of the preliminary objections. Oral proceedings on the objections ensue, the party which raised them being called upon to speak first. The Court gives its decision on the objections in a judgment; if it dismisses them, the proceedings on the merits are resumed from the point of interruption; they are likewise resumed if it declares that the objections do not possess an exclusively preliminary character[1]. The Court may also give effect to compulsory the jurisdiction of the Court and a list of treaties and other agreements relating to that jurisdiction; general information on the Court's history and procedure; and the biographies of the judges, as well as a catalogue of publications. The website can be visited at the following address: http://www.icj-cij.org.

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[1] The Court gave its decision on the preliminary objections raised in the following 31 cases: *Corfu Channel (United Kingdom* v. *Albania); Ambatielos (Greece* v. *United Kingdom); Anglo-Iranian Oil Co. (United Kingdom* v. *Iran); Nottebohm (Liechtenstein* v. *Guatemala); Monetary Gold Removed from Rome in 1943 (Italy* v. *France, United Kingdom and United States of America); Certain Norwegian Loans (France* v. *Norway); Right of Passage over Indian Territory (Portugal* v. *India); Interhandel (Switzerland* v. *United States of America); Aerial Incident of 27 July 1955 (Israel* v. *Bulgaria); Temple of Preah Vihear (Cambodia* v. *Thailand); South West Africa (Ethiopia* v. *South Africa; Liberia* v. *South Africa); Northern Cameroons (Cameroon* v. *United Kingdom); Barcelona Traction, Light and Power Company, Limited (New Application: 1962) (Belgium* v. *Spain); Elettronica Sicula S.p.A. (ELSI) (United States of America* v. *Italy); Certain Phosphate Lands in Nauru (Nauru* v. *Australia); Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya* v. *United Kingdom) (Libyan Arab Jamahiriya* v. *United States of America); Oil Platforms (Islamic Republic of Iran* v. *United States of America); Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina* v. *Serbia and Montenegro); Land and Maritime Boundary between Cameroon and Nigeria (Cameroon* v. *Nigeria)*; *Aerial Incident of 10 August 1999 (Pakistan* v. *India); Legality of Use of Force (Serbia and Montenegro* v. *Belgium) (Serbia and Montenegro* v. *Canada) (Serbia and Montenegro* v. *France) (Serbia and Montenegro* v. *Germany) (Serbia and Montenegro* v. *Italy) (Serbia and Montenegro* v. *Netherlands) (Serbia and Montenegro* v. *Portugal) (Serbia and Montenegro* v. *United Kingdom)*; *Certain Property (Liechtenstein* v. *Germany)*; and *Pulp Mills on the River Uruguay (Argentina* v. *Uruguay)*. In other cases the Court was not called upon to give a decision on the preliminary objections, either because they were withdrawn *(Rights of Nationals of the United States of America in Morocco (France* v. *United States of America))* or as the result of a discontinuance *(Aerial Incident of 27 July 1955 (United States of America* v. *Bulgaria); Barcelona Traction, Light and Power Company, Limited* (first application) *(Belgium* v. *Spain); Compagnie du Port, des Quais et des Entrepôts de Beyrouth and Société Radio-Orient (France* v. *Lebanon); Aerial Incident of 3 July 1988 (Islamic Republic of Iran* v. *United States of America); Armed Activities on the Territory of the Congo (Democratic Republic of the Congo* v. *Burundi) (Democratic Republic of the Congo* v. *Rwanda))*. The Court also dealt with questions of jurisdiction or admissibility in the following 13 cases: *Appeal Relating to the Jurisdiction of the ICAO Council (India* v. *Pakistan); Fisheries Jurisdiction (United Kingdom* v. *Iceland) (Federal Republic of*

Also obtainable, in the framework of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, from the Registry or United Nations Information Centres, are:

– a popular booklet entitled "The International Court of Justice. Questions and Answers about the Principal Judicial Organ of the United Nations" (2000), published by the United Nations Department of Public Information on co-operation with the Court. The Arabic, Chinese, Dutch, English, French, Russian and Spanish editions have been published.

– a "handbook", in French and English, on *The International Court of Justice* (2004), a former edition (1986) of which was published in Arabic, Chinese, English, French, Russian, Spanish and German (German edition out of stock).

– unofficial Arabic, Chinese, Russian and Spanish texts of the Rules of Court.

Groups often ask to visit the Registry and have the way the Court functions explained to them. So far as the work of the Court permits, the Registrar accedes to requests of this kind. During the period under review the Court received a great number of groups including diplomats, scholars and academics, judges and representatives of judicial authorities, lawyers and legal professionals, as well as others.

Information on the assistance given to members of the public and representatives of the media to help them follow the proceedings in cases before the Court will be found within the following section (pp. 206-211).

III. PRACTICE IN REGARD TO PROCEDURE

1. General

(a) *Official languages*

The official languages of the Court are French and English (Statute, Art. 39; Rules, Arts. 51, 70 and 71).

(b) *Official communications*

In all cases submitted to the Court, communications and documents for the Court are delivered to the Registrar and he is the regular channel for communications or notifications from the Court (Rules, Art. 26, para. 1, and Art. 30; Instructions for the Registry, Arts. 3, 11 and 13).

Communications in a case which are intended for a State party thereto are sent to its agent at the Hague address it designates for the purpose (Rules, Art. 40, para. 1).

For communications with other States, the Registrar requests the foreign ministers of States entitled to appear before the Court to indicate the channel through which their governments would wish to receive such communications. The channel of communication indicated is usually the Embassy in The Hague or the Ministry of Foreign Affairs of the State in question.

For public international organizations, the Registrar addresses the communications of the Court to the Director-General or Secretary-General of the organization as the case may be.

(c) *Minutes*

The Registrar is present at all sittings and meetings of the Court and is responsible for drawing up the minutes. After being signed by the President and the Registrar, these minutes are filed in the archives (Statute, Art. 47; Rules, Art. 21, Art. 26, para. 1 *(f)-(i)*, and Art. 71; Instructions for the Registry, Art. 19).

(d) *General List*

The Registrar prepares and keeps up to date a General List of cases submitted to the Court (Rules, Art. 26, para. 1 *(b)*, and Art. 38, para. 5; Instructions for the Registry, Art. 6, para. 1, and Art. 46, para. 3).

(For the General List of the *Permanent Court of International Justice*, see *P.C.I.J., Series E, No. 16*, pp. 92-147.)

2. Procedure in Contentious Cases

(a) *Institution of proceedings and appointment of agents*

As soon as proceedings are instituted (see Chap. III, pp. 115-118, above), the special agreement or the application, filed in one of the two official languages of the Court, is translated and printed in a bilingual edition by the Registry, then communicated to all concerned and to the States entitled to appear before the Court (Statute, Art. 40; Rules, Art. 38, paras. 4 and 5; Art. 39, para. 1, and Art. 42).

The Registrar arranges for the publication of a press release informing the general public and the media that proceedings have been instituted. Copies of the special agreement or application and the press release are made available on the website of the Court.

The party which files a document instituting proceedings informs the Court at the same time of the name of the agent who will be its representative in the proceedings and take steps on its behalf; the other party then appoints its agent as soon as possible (Statute, Art. 42; Rules, Art. 40; Practice Direction VIII). A party may also appoint a co-agent, a deputy-agent or an additional agent. Agents, and counsel and advocates also, enjoy such deposited or, in the case of proceedings instituted by special agreement, in the order laid down by the Court after consultations with the agents of the parties. Speeches and statements are normally made in one of the Court's two official languages and are (simultaneously) interpreted into the other; arrangements may be made for some other language to be used (Statute, Art. 39; Rules, Art. 70; Instructions for the Registry, Art. 17).

When the Court or a judge puts a question to the agents, counsel and advocates, the answer may be given either immediately or within a time-limit fixed by the President; if given in writing it is communicated to the other party (Rules, Art. 61, paras. 2-4, and Art. 72).

A provisional verbatim record of each public sitting is drawn up by the Registry in the official language used, and translated into the other; copies in the original official language are then communicated to the parties and to the witnesses and experts in order that mistakes may be corrected under the supervision of the Court (Statute, Art. 47; Rules, Art. 71). A period of 24 hours is usually allowed for the submission of corrections by the parties.

In the course of the hearings each party reads out its final submissions and hands the Registrar copies of the text (Rules, Art. 60, para. 2). The filing of new documents after closure of the written proceedings is permissible only with the other party's consent or the authorization of the Court (Practice Direction IX); such documents must be filed in the same number of copies as the pleadings (see *(b)* above); the Registrar transmits them to the other party with a request for observations. No reference may be made to the contents of any document which has not been duly produced, unless the document is part of a publication readily available (Statute, Art. 52; Rules, Art. 56).

The Registrar issues press releases giving all necessary information as to the dates of the hearings (Instructions for the Registry, Art. 12). Members of the diplomatic corps, representatives of the media and any person who comes to the Peace Palace on the occasion of a hearing are welcome to attend, sometimes subject to accreditation or admission procedures. Photographs may be taken for a few minutes at the opening of hearings. Filming is permitted under the same rules.

(d) *Deliberations*

After the close of the oral proceedings, the Court withdraws to deliberate in private and to prepare a judgment. The deliberations of the Court are conducted *in camera* and remain confidential. This applies to all aspects of the deliberations, including the schedule of meetings (Statute, Arts. 54-55; Rules, Arts. 19-21; Instructions for the Registry, Art. 16).

The manner in which the Court conducts its deliberations is governed by a resolution concerning the internal judicial practice of the Court, the most recent version of which was adopted on 12 April 1976 (see *I.C.J. Acts and Documents No. 5*, pp. 165-173).

(e) *Judgment*

The judgment is read out at a public sitting for which similar arrangements are made as for a hearing in open court, in particular with regard to the admission of the public and the assistance provided to representatives of the press (see *(c)* above).

The judgment is prepared in both official languages, of which one is indicated as authoritative (Statute, Art. 39; Rules, Art. 96). If it does not represent in whole or in part the unanimous opinion of the judges, any judge is entitled to attach a dissenting or separate opinion, or a declaration which records his position without stating his reasons; the judgment indicates the names of the judges constituting the majority (Statute, Arts. 56-58; Rules, Arts. 94 and 95).

Three original copies of the judgment are signed by the President and the Registrar and are then sealed; one is placed in the archives of the Court and the others are handed to the parties (Rules, Art. 95, para. 3; Instructions for the Registry, Art. 21).

Immediately after the public reading, copies of the Judgment are placed at the disposal of the judges and the representatives of the parties. At the same time an unofficial summary of the decision and the press release are issued to those attending on the authority of the Registrar. They are also published on the Court's website.

As soon as possible, the printed text of the judgment becomes available as a separate fascicle in the *I.C.J. Reports* series, which is sent to States entitled to appear before the Court and is placed on sale. Subsequently, the documentation of the case is published in one or more printed volumes of the series entitled *I.C.J. Pleadings, Oral Arguments, Documents*. It is these printed texts (see Chap. VII, pp. 332-347, below) which should be used for all purposes of quotation or citation.

(f) *Expenses and costs*

The expenses of the Court, including amounts payable to witnesses or experts appearing at the instance of the Court (Rules, Art. 68; Instructions for the Registry, Art. 18), are borne out of the United Nations budget; if a party to a case does not contribute to the United Nations budget, the Court itself fixes the amount payable by that party as a contribution towards the expenses of the Court for the case (see Chap. VIII, p. 362, below).

Each party bears its own costs, unless the Court makes an order in favour of a party for the payment of the costs (Statute, Art. 64; Rules, Art. 95, para. 1, and Art. 97).

In addition, there exists a Secretary-General's Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice, established on 1 November 1989[1]. The Fund is designed to an agreement between the parties that objections should be heard and determined within the framework of the merits[1].

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[1] Cf. United Nations doc. A/44/PV.43 (1989).

(d) *Counter-claims*

Counter-claims may be presented if they are directly connected with the subject-matter of the claim of the other party and come within the jurisdiction of the Court. They are to be made by a party in its Counter-Memorial, as part of the submissions. In case of doubt, it is for the Court to decide whether a counter-claim is admissible and shall form part of the proceedings (Rules, Art. 80)[2].

(e) *Intervention, presentation of information*

A third State may request to be permitted to intervene if it considers that it has an interest of a legal nature which may be affected by the decision in the case; it is for the Court to decide upon such a request (Statute, Art. 62; Rules, Arts. 81 and 83-85)[3].

Germany v. *Iceland); Nuclear Tests (Australia* v. *France) (New Zealand* v. *France); Aegean Sea Continental Shelf (Greece* v. *Turkey); United States Diplomatic and Consular Staff in Tehran (United States of America* v. *Iran); Military and Paramilitary Activities in and against Nicaragua (Nicaragua* v. *United States of America); Border and Transborder Armed Actions (Nicaragua* v. *Honduras); Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar* v. *Bahrain); East Timor (Portugal* v. *Australia); Fisheries Jurisdiction (Spain* v. *Canada)*; and *LaGrand (Germany* v. *United States of America)*. The Court did not deal with questions of jurisdiction or admissibility raised in the case concerning the *Trial of Pakistani Prisoners of War (Pakistan* v. *India)*.

[1] This was done in the cases concerning *Elettronica Sicula S.p.A. (ELSI) (United States of America* v. *Italy)* and *East Timor (Portugal* v. *Australia)*. Preliminary objections were joined to the merits under the pre-1972 Rules of Court after agreement between the Parties in the case concerning *Certain Norwegian Loans (France* v. *Norway)* and by decision of the Court in the following two cases: *Right of Passage over Indian Territory (Portugal* v. *India); Barcelona Traction, Light and Power Company, Limited (New Application: 1962) (Belgium* v. *Spain)*.

[2] Counter-claims were made by the respondent States, and admitted by the Court, in the cases concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina* v. *Serbia and Montenegro); Oil Platforms (Islamic Republic of Iran* v. *United States of America); Land and Maritime Boundary between Cameroon and Nigeria (Cameroon* v. *Nigeria)*; and *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo* v. *Uganda)*. During the period under review, the Court has placed on record the withdrawal of the counter-claims submitted by the respondent State in the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina* v. *Serbia and Montenegro)*.

[3] Applications for permission to intervene were submitted in the *Nuclear Tests* cases *(Australia* v. *France) (New Zealand* v. *France)*, in the cases concerning the *Continental Shelf (Tunisia/Libyan Arab Jamahiriya)* and the *Continental Shelf (Libyan Arab Jamahiriya/Malta)*; in the case concerning the *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras)*; in the *Request for an Examination of the Situation in Accordance with Paragraph 63 of the Court's Judgment of 20 December 1974 in the* Nuclear Tests (New Zealand *v.* France) Case (in that case, several States filed a document entitled "Application for Permission to Intervene under Article 62/Declaration of Intervention under Article 63"); in the case concerning the *Land and Maritime Boundary between Cameroon and Nigeria (Cameroon* v. *Nigeria)* and in the case concerning *Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia)*.

If the dispute relates to the construction of a convention to which States other than those concerned in the case are parties, these States are notified forthwith and have the right to intervene in the proceedings (Statute, Art. 63; Rules, Arts. 43, 82-84 and 86)[1].

Similarly, public international organizations may, at the request of the Court or a party or on their own initiative, furnish the Court with information relevant to cases before it; whenever the construction of their constituent instruments or of a convention adopted thereunder is in question, they are notified (Statute, Art. 34, paras. 2 and 3; Rules, Art. 69).

(f) *Default, settlement, discontinuance*

If one of the parties does not appear before the Court or fails to defend its case, the other party may call upon the Court to decide in favour of its claim (Statute, Art. 53)[2].

The Court, or the President if the Court is not sitting, may, by way of an order, officially record the conclusion of a settlement or a discontinuance (Rules, Arts. 88 and 89)[3].

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[1] A third State intervened in the *Haya de la Torre (Colombia* v. *Peru)* case and a Declaration of Intervention was submitted in the case concerning *Military and Paramilitary Activities in and against Nicaragua (Nicaragua* v. *United States of America)*. (See also footnote 3, p. 214, above.)

[2] A number of judgments and orders were delivered in the absence of one of the parties: *Corfu Channel (United Kingdom* v. *Albania), Assessment of Amount of Compensation; Anglo-Iranian Oil Co. (United Kingdom* v. *Iran), Interim Protection; Nottebohm (Liechtenstein* v. *Guatemala), Preliminary Objection; Fisheries Jurisdiction (United Kingdom* v. *Iceland) (Federal Republic of Germany* v. *Iceland), Interim Protection, Jurisdiction of the Court* and *Merits; Nuclear Tests (Australia* v. *France) (New Zealand* v. *France), Interim Protection* and *Second Phase; Trial of Pakistani Prisoners of War (Pakistan* v. *India), Interim Protection; Aegean Sea Continental Shelf (Greece* v. *Turkey), Interim Protection* and *Jurisdiction of the Court; United States Diplomatic and Consular Staff in Tehran (United States of America* v. *Iran), Provisional Measures* and *Merits; Military and Paramilitary Activities in and against Nicaragua (Nicaragua* v. *United States of America), Merits; Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar* v. *Bahrain), Jurisdiction and Admissibility.*

[3] The following 18 cases ended in discontinuance: *Protection of French Nationals and Protected Persons in Egypt (France* v. *Egypt); Electricité de Beyrouth Company (France* v. *Lebanon); Aerial Incident of 27 July 1955 (United States of America* v. *Bulgaria) (United Kingdom* v. *Bulgaria); Barcelona Traction, Light and Power Company, Limited (Belgium* v. *Spain)* (first application); *Compagnie du Port, des Quais et des Entrepôts de Beyrouth and Société Radio-Orient (France* v. *Lebanon); Trial of Pakistani Prisoners of War (Pakistan* v. *India); Border and Transborder Armed Actions (Nicaragua* v. *Costa Rica); Border and Transborder Armed Actions (Nicaragua* v. *Honduras); Passage through the Great Belt (Finland* v. *Denmark); Certain Phosphate Lands in Nauru (Nauru* v. *Australia); Maritime Delimitation between Guinea-Bissau and Senegal (Guinea-Bissau* v. *Senegal); Aerial Incident of 3 July 1988 (Islamic Republic of Iran* v. *United States of America); Vienna Convention on Consular Relations (Paraguay* v. *United States of America)*; *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo* v. *Burundi) (Democratic Republic of the Congo* v. *Rwanda)*, *Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya* v. *United Kingdom) (Libyan Arab Jamahiriya* v. *United States of America)* and *Status vis-à-vis the Host State of a Diplomatic Envoy to the United Nations (Commonwealth of Dominica* v.

It is further recalled that, on 4 May 2001, Serbia and Montenegro (then known as the Federal Republic of Yugoslavia) submitted a document to the Court, entitled "Initiative to the Court to reconsider *ex officio* Jurisdiction over Yugoslavia". The submissions presented in that document were, first, that the Court had no jurisdiction *ratione personae* over Serbia and Montenegro, and, secondly, that the Court should "suspend proceedings regarding the merits of the case until a decision on this Initiative", i.e. on the jurisdictional issue, had been rendered. In a letter dated 12 June 2003, the Registrar informed the parties in the case that the Court had decided that it could not effect such a suspension of the proceedings in the circumstances of the case.

Public hearings on the merits of the case were held from 27 February 2006 to 9 May 2006. At the conclusion of those hearings, the Parties presented the following final submissions to the Court.

For Bosnia and Herzegovina:

"Bosnia and Herzegovina requests the International Court of Justice to adjudge and declare:

1. That Serbia and Montenegro, through its organs or entities under its control, has violated its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide by intentionally destroying in part the non-Serb national, ethnical or religious group within, but not limited to, the territory of Bosnia and Herzegovina, including in particular the Muslim population, by:

— killing members of the group;
— causing serious bodily or mental harm to members of the group;
— deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
— imposing measures intended to prevent births within the group;
— forcibly transferring children of the group to another group;

2. Subsidiarily:

(i) that Serbia and Montenegro has violated its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide by complicity in genocide as defined in paragraph 1, above; and/or

(ii) that Serbia and Montenegro has violated its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide by aiding and abetting individuals, groups and entities engaged in acts of genocide, as defined in paragraph 1 above;

3. That Serbia and Montenegro has violated its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide by conspiring to commit genocide and by inciting to commit genocide, as defined in paragraph 1 above;

4. That Serbia and Montenegro has violated its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide for having failed to prevent genocide;

5. That Serbia and Montenegro has violated and is violating its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide for having failed and for failing to punish acts of genocide or any other act prohibited by the Convention on the Prevention and Punishment of the Crime of Genocide, and for having failed and for failing to transfer individuals accused of genocide or any other act prohibited by the Convention to the International Criminal Tribunal for the former Yugoslavia and to co-operate fully with this Tribunal;

6. That the violations of international law set out in submissions 1 to 5 constitute wrongful acts attributable to Serbia and Montenegro which entail its international responsibility, and, accordingly,

(a) that Serbia and Montenegro shall immediately take effective steps to ensure full compliance with its obligation to punish acts of genocide under the Convention on the Prevention and Punishment of the Crime of Genocide or any other act prohibited by the Convention and to transfer individuals accused of genocide or any other act prohibited by the Convention to the International Criminal Tribunal for the former Yugoslavia and to fully co-operate with this Tribunal;

(b) that Serbia and Montenegro must redress the consequences of its international wrongful acts and, as a result of the international responsibility incurred for the above violations of the Convention on the Prevention and Punishment of the Crime of Genocide, must pay, and Bosnia and Herzegovina is entitled to receive, in its own right and as *parens patriae* for its citizens, full compensation for the damages and losses caused. That, in particular, the compensation shall cover any financially assessable damage which corresponds to:

(i) damage caused to natural persons by the acts enumerated in Article III of the Convention, including non-material damage suffered by the victims or the surviving heirs or successors and their dependants;

(ii) material damage caused to properties of natural or legal persons, public or private, by the acts enumerated in Article III of the Convention;

(iii) material damage suffered by Bosnia and Herzegovina in respect of expenditures reasonably incurred to remedy or mitigate damage flowing from the acts enumerated in Article III of the Convention;

(c) that the nature, form and amount of the compensation shall be determined by the Court, failing agreement thereon between the

IV. OCCASIONAL FUNCTIONS ENTRUSTED TO THE PRESIDENT OF THE INTERNATIONAL COURT OF JUSTICE

1. International Instruments Providing for Appointment of Arbitrators, etc.

There are many international instruments which provide that in certain eventualities the President of the Court may be requested by the contracting parties to appoint arbitrators, umpires, members of conciliation commissions, etc.

States proposing to insert such a provision in a treaty should consult the President as to his willingness to accept such a task, and submit the draft provision to him. This frequently provides that, if the President is of the nationality of one of the parties to the dispute, the appointment should be made either by the Vice-President or by the senior Member of the Court not so disqualified.

Such a provision is found, for instance, in bilateral agreements relating to air transport, social security, reparations or guarantees, loans, technical co-operation and the protection of investments; in multilateral treaties; in conventions or agreements concerning the constitution, status or privileges and immunities of international organizations; and in agreements or contracts concluded between States and international organs.

2. Other Requests for Appointment of Arbitrators

The President of the Court is sometimes requested to appoint arbitrators under the terms of contracts concluded between a State and a corporation or between corporations. The President should not be called upon to perform this function in regard to transnational arbitration agreements dealing with matters in which public international law does not find its place.

The President should be consulted in advance and a draft contract should be submitted to him. It is usually provided that if the President is of the same nationality as one of the parties to the contract, the appointment should be made either by the Vice-President or by the senior Member of the Court not so disqualified.

3. Other Appointments

The President has also at times been requested by States or international organizations to appoint persons to fill other offices.

Such appointments are, for instance, provided for in texts such as Article 12 of the Protocol of 23 June 1953 for limiting and regulating the cultivation of the poppy plant, the production of, international and wholesale trade in, and use of opium, or Article 4 of the Regulations for the execution of the Convention of 14 May 1954 for the protection of cultural property in the event of armed conflict or, again, Rule 109.1 *(a)* of the Staff Rules of the United Nations and Regulation 9.1.1 of the Staff Regulations of the United Nations Educational, Scientific and Cultural Organization.

obligations. It called on both States to negotiate in good faith in order to ensure the achievement of the objectives of the 1977 Budapest Treaty, which it declared was still in force, while taking account of the factual situation that had developed since 1989.

On 3 September 1998 Slovakia filed in the Registry of the Court a request for an additional Judgment in the case. Such an additional Judgment was necessary, according to Slovakia, because of the unwillingness of Hungary to implement the Judgment delivered by the Court in that case on 25 September 1997.

In its request, Slovakia stated that the Parties had conducted a series of negotiations on the modalities for executing the Court's Judgment and had initialled a draft Framework Agreement, which had been approved by the Government of Slovakia on 10 March 1998. Slovakia contended that on 5 March 1998 Hungary had postponed its approval and, upon the accession of its new Government following the May elections, it had proceeded to disavow the draft Framework Agreement and was further delaying the implementation of the Judgment. Slovakia maintained that it wanted the Court to determine the modalities for executing the Judgment.

As the basis for its request, Slovakia invoked Article 5 (3) of the Special Agreement signed at Brussels on 7 April 1993 by itself and Hungary with a view to the joint submission of their dispute to the Court.

Hungary filed a written statement of its position on the request for an additional Judgment made by Slovakia within the time-limit of 7 December 1998 fixed by the President of the Court.

The Parties subsequently have resumed negotiations and have informed the Court on a regular basis of the progress made.

3. Ahmadou Sadio Diallo (Republic of Guinea v. *Democratic Republic of the Congo)*

On 28 December 1998 the Republic of Guinea instituted proceedings against the Democratic Republic of the Congo filing an "Application with a view to diplomatic protection", in which it requested the Court to find that the Democratic Republic of the Congo is guilty of serious breaches of international law committed upon the person of a Guinean national", Mr. Ahmadou Sadio Diallo.

According to Guinea, Mr. Ahmadou Sadio Diallo, a businessman who had been a resident of the Democratic Republic of the Congo for 32 years, was "unjustly imprisoned by the authorities of that State" for two and a half months, "despoiled of his sizable investments, business, movable and immovable properties and bank accounts, and then", on 2 February 1996 "expelled from the country" because he had sought the payment of debts owed to him by the Democratic Republic of the Congo (in particular by Gécamines, a State undertaking with a monopoly over mining) and by oil companies established in that country (Zaïre Shell, Zaïre Mobil and Zaïre Fina) under contracts with companies owned by him, namely Africom-Zaïre and Africacontainers-Zaïre.

As basis of the Court's jurisdiction, Guinea invoked the declarations whereby the Democratic Republic of the Congo and itself accepted the compulsory jurisdiction of the Court on, respectively, 8 February 1989 and 11 November 1998.

Guinea filed its Memorial within the time-limit as extended by the Court. On 3 October 2002, within the time-limit for the deposit of its Counter-Memorial, as extended, the Democratic Republic of the Congo filed certain preliminary objections to the Court's jurisdiction and the admissibility of the Application; the proceedings on the merits were accordingly suspended (Article 79 of the Rules of Court).

By an Order of 7 November 2002 (*I.C.J. Reports 2002*, p. 607), the Court fixed 7 July 2003 as the time-limit within which Guinea might present a written statement of its observations and submissions on the preliminary objections raised by the Democratic Republic of the Congo. That written statement was filed within the time-limit thus fixed. The Court has set 27 November 2006 as the date for the opening of hearings on the preliminary objections.

4. Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. *Uganda)*

On 23 June 1999 the Democratic Republic of the Congo filed an Application instituting proceedings against Uganda for "acts of *armed aggression* perpetrated . . . in flagrant violation of the United Nations Charter and of the Charter of the Organization of African Unity".

In its Application, the Democratic Republic of the Congo contended that "such armed aggression . . . ha[d] involved *inter alia* violation of the sovereignty and territorial integrity of the Democratic Republic of the Congo, violations of international humanitarian law and massive human rights violations". The Democratic Republic of the Congo sought "to secure the cessation of the acts of aggression directed against it, which constitute a serious threat to peace and security in central Africa in general and in the Great Lakes region in particular"; it also sought

> "compensation from Uganda in respect of all acts of looting, destruction, removal of property and persons and other unlawful acts attributable to [it], in respect of which the Democratic Republic of the Congo reserves the right to determine at a later date the precise amount of the damage suffered, in addition to its claim for the restitution of all property removed".

Consequently, the Democratic Republic of the Congo requested the Court to adjudge and declare that Uganda was guilty of an act of aggression contrary to Article 2, paragraph 4, of the United Nations Charter; that it was committing repeated violations of the Geneva Convention of 1949 and the Additional Protocols of 1977 and also guilty of massive human rights violations in defiance of the most basic customary law; that more specifically, by taking forcible possession of the Inga hydroelectric dam, and deliberately and regularly causing

(g) *Execution, interpretation or revision of judgments*

The judgments of the Court are binding, final and without appeal (Charter, Art. 94, para. 1; Statute, Arts. 59-60; Rules, Art. 94, para. 2). The parties may, however, make a request for interpretation or, in certain circumstances, for revision of a judgment (see above, Chap. III, p. 118). The decision of the Court on such requests is given in the form of a judgment (Statute, Arts. 60-61; Rules, Arts. 98-100)[1,2].

Article 94, paragraph 2, of the Charter of the United Nations states that, if any party to a case fails to perform the obligations incumbent upon it under a judgment, the other party may have recourse to the Security Council.

(h) *Special reference to the Court*

When a matter which has been the subject of proceedings before some other international body is brought before the Court, the provisions of the Statute and of the Rules apply (Rules, Art. 87)[3].

4. *Procedure in Advisory Cases*

In addition to the Rules of Court which are expressly applicable to proceedings in regard to advisory opinions, the Court is guided by the provisions which apply in contentious proceedings (Statute, Art. 68; Rules, Art. 102). It may thus be led to apply the articles of the Statute concerning judges *ad hoc* (see Chap. I, pp. 21-28, above).

The practical information given concerning the course of the procedure in contentious cases (see under 2, above) applies *mutatis mutandis* to the procedure in regard to advisory opinions, in particular as regards arrangements for the public and the representatives of the press.

Switzerland). Furthermore, the cases concerning *United States Diplomatic and Consular Staff in Tehran (United States of America* v. *Iran)* and *Military and Paramilitary Activities in and against Nicaragua (Nicaragua* v. *United States of America)* ended in discontinuance as regarded the question of reparation which the Judgment had left to be settled.

[1] The Court gave a decision on a request for interpretation of its Judgment in the case concerning *Asylum (Colombia/Peru)* and of its Judgment on preliminary objections in the case concerning the *Land and Maritime Boundary between Cameroon and Nigeria*. See also p. 118, footnotes 2 and 3, above.

[2] The Court gave a decision on an application for revision and interpretation submitted by Tunisia in connection with its Judgment in the case concerning the *Continental Shelf (Tunisia/Libyan Arab Jamahiriya)* and an application for revision submitted by Yugoslavia in connection with its Judgment of 11 July 1996 on preliminary objections in the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina* v. *Yugoslavia)*.

[3] The Court was seised of an *Appeal Relating to the Jurisdiction of the ICAO Council (India* v. *Pakistan)* in the case of that name.

(a) *Request*

Notice of a request for an advisory opinion (see Chap. III, pp. 119-120, above) is addressed to the Court by the Secretary-General of the United Nations or the chief administrative officer of the organization authorized to make the request; all documents likely to throw light upon the question are to be transmitted at the same time as the request or as soon as possible thereafter (Statute, Art. 65, para. 2; Rules, Art. 104).

Notice of the request for an advisory opinion is given to all States entitled to appear before the Court (Statute, Art. 66, para. 1).

In addition, the Court gives the States and international organizations considered likely to be able to furnish information on the question an opportunity to submit their views in writing or orally, or both (Statute, Art. 66, paras. 2-4).

(b) *Written and oral proceedings*

A request for an opinion usually gives rise to written proceedings followed by oral proceedings (Statute, Art. 66; Rules, Arts. 105 and 106).

In the case of urgency, the Court takes all necessary steps to accelerate the procedure (Rules, Art. 103)[1].

(c) *Deliberations*

The deliberations are conducted in the same manner as in contentious cases (Rules, Arts. 19-21 and 107; resolution concerning the Internal Judicial Practice of the Court, Art. 10).

(d) *Advisory opinion*

The advisory opinion is read in open Court; if it does not represent in whole or in part the unanimous opinion of the judges, any judge is entitled to attach a dissenting or separate opinion, or a declaration which records his position without stating his reasons; the advisory opinion indicates the names of the judges constituting the majority (Statute, Art. 67; Rules, Arts. 107 and 108).

One of the original copies of the advisory opinion is transmitted to the body which made the request (Rules, Art. 109), after which copies are distributed to those attending. The text of the Advisory Opinion, a summary and a press release are then posted on the website of the Court.

The opinions given by the Court are purely advisory in character. The body requesting the opinion may however be committed to accepting it as binding by the terms of the instrument under which it is authorized to request advisory opinions of the Court.

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[1] The Court decided to accelerate the procedure in accordance with Article 103 of the Rules in the case concerning the *Applicability of the Obligation to Arbitrate under Section 21 of the United Nations Headquarters Agreement of 26 June 1947*.

of the Crime of Genocide, adopted by the General Assembly of the United Nations on 9 December 1948 (hereinafter called the "Genocide Convention"). As the basis for the jurisdiction of the Court, Bosnia and Herzegovina invoked Article IX of that Convention.

In its Application, Bosnia and Herzegovina, among other claims, requested the Court to adjudge and declare that Serbia and Montenegro, through its agents and surrogates, "has killed, murdered, wounded, raped, robbed, tortured, kidnapped, illegally detained, and exterminated the citizens of Bosnia and Herzegovina", that it had to cease immediately this practice of so-called "ethnic cleansing" and pay reparations.

On 20 March 1993, Bosnia and Herzegovina also submitted a request for provisional measures. Public hearings were held on 1 and 2 April 1993, and by an Order dated 8 April 1993 (*I.C.J. Reports 1993*, p. 3) the Court indicated that Serbia and Montenegro "should immediately . . . take all measures within its power to prevent commission of the crime of genocide" and that both Serbia and Montenegro and Bosnia and Herzegovina "should not take any action and should ensure that no action is taken which may aggravate or extend the existing dispute . . . or render it more difficult of solution". The Court limited its provisional measures to requests falling within the jurisdiction conferred on it by the Genocide Convention.

On 27 July 1993 Bosnia and Herzegovina filed a second request for provisional measures, which was followed on 10 August 1993 by a request for provisional measures of Serbia and Montenegro. Public hearings were held on 25 and 26 August 1993, and by an Order dated 13 September 1993 (*I.C.J. Reports 1993*, p. 325) the Court reaffirmed the measures indicated earlier, adding that they should be immediately and effectively implemented.

On 5 August 1993 the President of the Court addressed a message to both Parties, referring to Article 74, paragraph 4, of the Rules of Court, which enables him, pending the meeting of the Court, "to call upon the parties to act in such a way as will enable any order the Court may make on the request for provisional measures to have its appropriate effects".

The Memorial of Bosnia and Herzegovina was filed within the extended time-limit of 15 April 1994.

On 26 June 1995, within the extended time-limit for the deposit of its Counter-Memorial, Serbia and Montenegro filed preliminary objections to the jurisdiction of the Court and the admissibility of the Application; the proceedings on the merits were accordingly suspended (Article 79 of the Rules of Court). After Bosnia and Herzegovina had filed a written statement on the preliminary objections within the time-limit of 14 November 1995 fixed by the Court's Order of 14 July 1995 (*I.C.J. Reports 1995*, p. 279), public hearings were held between 29 April and 3 May 1996. On 11 July 1996 (*I.C.J. Reports 1996*, p. 595), the Court delivered its Judgment, rejecting the objections of Serbia and Montenegro; finding that, on the basis of Article IX of the Genocide Convention, it had jurisdiction to deal with the case; dismissing the additional basis of jurisdiction invoked by Bosnia and Herzegovina; and finding that the Application was admissible.

In the Counter-Memorial filed on 22 July 1997, Serbia and Montenegro submitted counter-claims requesting the Court to adjudge and declare that "Bosnia and Herzegovina [was] responsible for the acts of genocide committed against the Serbs in Bosnia and Herzegovina" and that it "ha[d] the obligation to punish the persons held responsible" for these acts. It also asked the Court to rule that "Bosnia and Herzegovina [was] bound to take necessary measures so that the said acts would not be repeated in future" and "to eliminate all consequences of the violation of the obligations established by the . . . [Genocide] Convention".

By a letter of 28 July 1997 Bosnia and Herzegovina informed the Court that

> "the Applicant [was] of the opinion that the Counter-Claim submitted by the Respondent . . . [did] not meet the criterion of Article 80, paragraph 1, of the Rules of Court and should therefore not be joined to the original proceedings".

After each Party had filed written observations, the Court, by an Order of 17 December 1997 (*I.C.J. Reports 1997*, p. 243), held that Serbia and Montenegro's counter-claims were "admissible as such" and that they formed "part of the current proceedings" in the case; the Court also directed the Parties to submit further written pleadings on the merits of their respective claims and fixed time-limits for the filing of a Reply by Bosnia and Herzegovina and of a Rejoinder by Serbia and Montenegro. Those time-limits having been extended at the request of each of the Parties, the Reply of Bosnia and Herzegovina was eventually filed on 23 April 1998 and the Rejoinder of Serbia and Montenegro on 22 February 1999. In these pleadings, each of the Parties contested the allegations made by the other.

Subsequently several exchanges of letters took place concerning further procedural difficulties in the case.

By an Order of 10 September 2001 (*I.C.J. Reports 2001*, p. 572) the President of the Court placed on record the withdrawal by Serbia and Montenegro of the counter-claims submitted by that State in its Counter-Memorial. The Order was made after Serbia and Montenegro had informed the Court that it intended to withdraw its counter-claims and Bosnia and Herzegovina had indicated to the latter that it had no objection to that withdrawal.

It is recalled that, on 3 February 2003, the Court rendered its Judgment in the case concerning *Application for Revision of the Judgment of 11 July 1996 in the Case concerning* Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina *v.* Yugoslavia), Preliminary Objections *(Yugoslavia* v. *Bosnia and Herzegovina)* (*I.C.J. Reports 2003*, p. 7) by which it found that the request for revision was inadmissible.

Parties one year after the Judgment of the Court, and that the Court shall reserve the subsequent procedure for that purpose;

(d) that Serbia and Montenegro shall provide specific guarantees and assurances that it will not repeat the wrongful acts complained of, the form of which guarantees and assurances is to be determined by the Court;

7. That in failing to comply with the Orders for indication of provisional measures rendered by the Court on 8 April 1993 and 13 September 1993 Serbia and Montenegro has been in breach of its international obligations and is under an obligation to Bosnia and Herzegovina to provide for the latter violation symbolic compensation, the amount of which is to be determined by the Court."

For Serbia and Montenegro:

"In accordance with Article 60, paragraph 2, of the Rules of Court, Serbia and Montenegro asks the Court to adjuge and declare:

— that this Court has no jurisdiction because the Respondent had no access to the Court at the relevant moment; or, in the alternative;

— that this Court has no jurisdiction over the Respondent because the Respondent never remained or became bound by Article IX of the Convention on the Prevention and Punishment of the Crime of Genocide, and because there is no other ground on which jurisdiction over the Respondent could be based.

In case the Court determines that jurisdiction exists Serbia and Montenegro asks the Court to adjudge and declare:

— That the requests in paragraphs 1 to 6 of the Submissions of Bosnia and Herzegovina relating to alleged violations of the obligations under the Convention on the Prevention and Punishment of the Crime of Genocide be rejected as lacking a basis either in law or in fact.

— In any event, that the acts and/or omissions for which the respondent State is alleged to be responsible are not attributable to the respondent State. Such attribution would necessarily involve breaches of the law applicable in these proceedings.

— Without prejudice to the foregoing, that the relief available to the applicant State in these proceedings, in accordance with the appropriate interpretation of the Convention on the Prevention and Punishment of the Crime of Genocide, is limited to the rendering of a declaratory judgment.

— Further, without prejudice to the foregoing, that any question of legal responsibility for alleged breaches of the Orders for the indication of provisional measures, rendered by the Court on 8 April 1993 and 13 September 1993, does not fall within the competence of the Court to provide appropriate remedies to an

> applicant State in the context of contentious proceedings, and, accordingly, the request in paragraph 7 of the Submissions of Bosnia and Herzegovina should be rejected."

At the time of preparation of this *Yearbook*, the Court was deliberating its Judgment.

2. *Gabčíkovo-Nagymaros Project (Hungary/Slovakia)*

On 2 July 1993, Hungary and Slovakia jointly notified to the Court a Special Agreement, signed between them on 7 April 1993, for the submission of certain issues arising out of differences regarding the implementation and the termination of the Budapest Treaty of 16 September 1977 on the construction and operation of the Gabčíkovo-Nagymaros barrage system.

In Article 2 of the Special Agreement:

> "(1) The Court is requested to decide on the basis of the Treaty and rules and principles of general international law, as well as such other treaties as the Court may find applicable,
>
> *(a)* whether the Republic of Hungary was entitled to suspend and subsequently abandon, in 1989, the works on the Nagymaros Project and on the part of the Gabčíkovo Project for which the Treaty attributed responsibility to the Republic of Hungary;
>
> *(b)* whether the Czech and Slovak Federal Republic was entitled to proceed, in November 1991, to the 'provisional solution' and to put into operation from October 1992 this system, described in the Report of the Working Group of Independent Experts of the Commission of the European Communities, the Republic of Hungary and the Czech and Slovak Federal Republic dated 23 November 1992 (damming up of the Danube at river kilometre 1851.7 on Czechoslovak territory and resulting consequences on water and navigation course);
>
> *(c)* what are the legal effects of the notification, on 19 May 1992, of the termination of the Treaty by the Republic of Hungary.
>
> (2) The Court is also requested to determine the legal consequences, including the rights and obligations for the Parties, arising from its Judgment on the questions in paragraph (1) of this Article."

Each of the Parties filed a Memorial, a Counter-Memorial and a Reply within the respective time-limits of 2 May 1994, 5 December 1994 and 20 June 1995, as fixed by the Court or its President.

Hearings in the case were held between 3 March and 15 April 1997. From 1 to 4 April 1997, the Court paid a site visit (the first ever in its history) to the Gabčíkovo-Nagymaros Project, by virtue of Article 66 of the Rules of Court.

In its Judgment of 25 September 1997 (*I.C.J. Reports 1997*, p. 7) the Court found that both Hungary and Slovakia had breached their legal

CHAPTER VI

WORK OF THE COURT IN 2005-2006

During the period under review 14 contentious cases were pending, 12 of which remained so at 31 July 2006.

Over this period the Court was seised of three new cases: *Dispute regarding Navigational and Related Rights (Costa Rica* v. *Nicaragua); Status vis-à-vis the Host State of a Diplomatic Envoy to the United Nations (Commonwealth of Dominica* v. *Switzerland)*; and *Pulp Mills on the River Uruguay (Argentina* v. *Uruguay)*.

An Application was also filed with the Court on 9 January 2006 by the Republic of Djibouti concerning a dispute with France regarding the alleged violation by the latter of its "international obligations in respect of mutual assistance in criminal matters" in the context of the investigation into the death of the French Judge Bernard Borrel in Djibouti in 1995. In its Application, Djibouti explained that the subject of the dispute specifically concerned

> "the refusal by the French governmental and judicial authorities to execute an international letter rogatory regarding the transmission to the judicial authorities in Djibouti of the record relating to the investigation in the 'Case against X for the murder of Bernard Borrel'".

Djibouti maintained that this refusal constituted a violation of France's international obligations under the Treaty of Friendship and Cooperation signed by the two States on 27 June 1977 and the Convention on Mutual Assistance in Criminal Matters between France and Djibouti, dated 27 September 1986. Djibouti further asserted in its Application that, in summoning certain internationally protected nationals of Djibouti (including the Head of State) as *témoins assistés* (legally represented witnesses) in connection with a criminal complaint for subornation of perjury against X in the *Borrel* case, France violated its obligation to prevent attacks on the person, freedom or dignity of persons enjoying such protection. The Republic of Djibouti sought to found the jurisdiction of the Court on Article 38, paragraph 5, of the Rules of Court and was "confident that the French Republic will agree to submit to the jurisdiction of the Court to settle the present dispute". Under that paragraph:

> "When the applicant State proposes to found the jurisdiction of the Court upon a consent thereto yet to be given or manifested

> by the State against which such application [wa]s made, the application shall be transmitted to that State. It shall not however be entered in the General List, nor any action be taken in the proceedings, unless and until the State against which such application is made consents to the Court's jurisdiction for the purposes of the case."

Pursuant to this provision, the Republic of Djibouti's Application was transmitted to the French Government. However, as of 31 July 2006, France had yet to accept the jurisdiction of the Court in this case; in consequence, no further documents have been transmitted and no procedural act has been undertaken.

During the period under review the Court held public hearings in the following cases: *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina* v. *Serbia and Montenegro)*; and *Pulp Mills on the River Uruguay (Argentina* v. *Uruguay)*.

The Court rendered judgment on the merits in the case concerning *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo* v. *Uganda)*, and on the preliminary objections to its jurisdiction and the admissibility of the Application raised by the Respondent in the case concerning *Armed Activities on the Territory of the Congo (New Application: 2002) (Democratic Republic of the Congo* v. *Rwanda)*.

In the case concerning *Pulp Mills on the River Uruguay (Argentina* v. *Uruguay)*, the Court made an Order with respect to the request for provisional measures submitted by Argentina.

The Court also made Orders fixing or extending time-limits for the filing of pleadings in the following cases: *Dispute regarding Navigational and Related Rights (Costa Rica* v. *Nicaragua)*; *Certain Criminal Proceedings in France (Republic of the Congo* v. *France)*; and *Maritime Delimitation in the Black Sea (Romania* v. *Ukraine)*. It further made an Order providing for the removal from the List of the case concerning *Status vis-à-vis the Host State of a Diplomatic Envoy to the United Nations (Commonwealth of Dominica* v. *Switzerland)*.

The Court also amended Article 43 of its Rules.

I. CASES BEFORE THE COURT

1. Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. *Serbia and Montenegro)*[1]

On 20 March 1993, Bosnia and Herzegovina filed an Application instituting proceedings against Serbia and Montenegro (then known as the Federal Republic of Yugoslavia) in respect of a dispute concerning alleged violations of the Convention on the Prevention and Punishment

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[1] See footnote 1, p. 110, above.

'(1) both Parties must, forthwith, prevent and refrain from any action, and in particular any armed action, which might prejudice the rights of the other Party in respect of whatever judgment the Court may render in the case, or which might aggravate or extend the dispute before the Court or make it more difficult to resolve;

(2) both Parties must, forthwith, take all measures necessary to comply with all of their obligations under international law, in particular those under the United Nations Charter and the Charter of the Organization of African Unity, and with United Nations Security Council resolution 1304 (2000) of 16 June 2000;

(3) both Parties must, forthwith, take all measures necessary to ensure full respect within the zone of conflict for fundamental human rights and for the applicable provisions of humanitarian law.' "

For the Republic of Uganda (with respect to the claims of the Democratic Republic of the Congo and to its own counter-claims):

"The Republic of Uganda requests the Court:

1. To adjudge and declare in accordance with international law:
   (A) that the requests of the Democratic Republic of the Congo relating to the activities or situations involving the Republic of Rwanda or her agents are inadmissible for the reasons set forth in Chapter XV of the Counter-Memorial and reaffirmed in the oral pleadings;
   (B) that the requests of the Democratic Republic of the Congo that the Court adjudge and declare that the Republic of Uganda is responsible for various breaches of international law, as alleged in the Memorial, the Reply and/or the oral pleadings are rejected; and
   (C) that Uganda's counter-claims presented in Chapter XVIII of the Counter-Memorial, and reaffirmed in Chapter VI of the Rejoinder as well as the oral pleadings be upheld.
2. To reserve the issue of reparation in relation to Uganda's counter-claims for a subsequent stage of the proceedings."

For the Democratic Republic of the Congo (with respect to the counter-claims of Uganda):

"The Congo requests the Court to adjudge and declare:

As regards the *first counter-claim submitted by Uganda*,

1. to the extent that it relates to the period before Laurent-Désiré Kabila came to power, Uganda's claim is inadmissible because Uganda had previously renounced its right to lodge such a claim: in the alternative, the claim is unfounded because Uganda has failed to establish the facts on which it is based;
2. to the extent that it relates to the period from the time when Laurent-Désiré Kabila came to power to the time when Uganda launched its armed attack, Uganda's claim is unfounded in fact because Uganda has failed to establish the facts on which it is based;
3. to the extent that it relates to the period subsequent to the launching of Uganda's armed attack, Uganda's claim is unfounded both in fact and in law because Uganda has failed to establish the facts on which it is based and, in any event, from 2 August 1998 the DRC was in a situation of self-defence.

As regards the *second counter-claim submitted by Uganda*,

1. to the extent that it now relates to the interpretation and application of the Vienna Convention of 1961 on Diplomatic Relations, the claim submitted by Uganda radically changes the subject-matter of the dispute, contrary to the Statute and to the Rules of Court; that part of the claim must therefore be dismissed from the present proceedings;
2. that part of the claim relating to the alleged mistreatment of certain Ugandan nationals remains inadmissible because Uganda has still failed to show that the requirements laid down by international law for the exercise of its diplomatic protection were satisfied; in the alternative, that part of the claim is unfounded because Uganda is still unable to establish the factual and legal bases of its claims.
3. that part of the claim relating to the alleged expropriation of Uganda's public property is unfounded because Uganda is still unable to establish the factual and legal bases of its claims."

On 19 December 2005, the Court delivered its Judgment on the merits of the case (*I.C.J. Reports 2005*, p. 168), a summary of which is given below, followed by the text of the operative paragraph:

History of the proceedings and submissions of the Parties (paras. 1-25)

The Court recites the history of the proceedings and submissions of the Parties in the case.

Situation in the Great Lake region and task of the Court (para. 26)

The Court notes that it is aware of the complex and tragic situation which has long prevailed in the Great Lakes region and of the suffering by the local population. It observes that the instability in the Democratic Republic of the Congo (DRC) in particular has had negative security implications for Uganda and some other neighbouring States. It however

Parties, had decided that the opening of the oral proceedings would be postponed but had also decided that it was impossible to fix a date in April 2004 for the adjourned hearings. As the Court's judicial calendar until well into 2004 had been adopted some time before, providing for the hearing of, and deliberation on, a number of other cases, a new date for the opening of oral proceedings in this case would have to be fixed subsequently.

Public hearings on the merits of the case were held from 11 to 29 April 2005. At the conclusion of those hearings the Parties presented the following final submissions to the Court.

For the Democratic Republic of the Congo (with respect to its claims):

> "The Democratic Republic of the Congo requests the Court to adjudge and declare:
>
> 1. That the Republic of Uganda, by engaging in military and paramilitary activities against the Democratic Republic of the Congo, by occupying its territory and by actively extending military, logistic, economic and financial support to irregular forces operating there, and having operated there, has violated the following principles of conventional and customary law:
>   - — the principle of non-use of force in international relations, including the prohibition of aggression;
>   - — the obligation to settle international disputes exclusively by peaceful means so as to ensure that international peace and security, as well as justice, are not placed in jeopardy;
>   - — respect for the sovereignty of States and the rights of peoples to self-determination, and hence to choose their own political and economic system freely and without outside interference;
>   - — the principle of non-interference in matters within the domestic jurisdiction of States, including refraining from extending any assistance to the parties to a civil war operating on the territory of another State.
> 2. That the Republic of Uganda, by committing acts of violence against nationals of the Democratic Republic of the Congo, by killing and injuring them or despoiling them of their property, by failing to take adequate measures to prevent violations of human rights in the DRC by persons under its jurisdiction or control, and/or failing to punish persons under its jurisdiction or control having engaged in the above-mentioned acts, has violated the following principles of conventional and customary law:
>   - — the principle of conventional and customary law imposing an obligation to respect, and ensure respect for, fundamental human rights, including in times of armed conflict, in accordance with international humanitarian law;

- the principle of conventional and customary law imposing an obligation, at all times, to make a distinction in an armed conflict between civilian and military objectives;
- the right of Congolese nationals to enjoy the most basic rights, both civil and political, as well as economic, social and cultural.

3. That the Republic of Uganda, by engaging in the illegal exploitation of Congolese natural resources, by pillaging its assets and wealth, by failing to take adequate measures to prevent the illegal exploitation of the resources of the DRC by persons under its jurisdiction or control, and/or failing to punish persons under its jurisdiction or control having engaged in the above-mentioned acts, has violated the following principles of conventional and customary law:
   - the applicable rules of international humanitarian law;
   - respect for the sovereignty of States, including over their natural resources;
   - the duty to promote the realization of the principle of equality of peoples and of their right of self-determination, and consequently to refrain from exposing peoples to foreign subjugation, domination or exploitation;
   - the principle of non-interference in matters within the domestic jurisdiction of States, including economic matters.

4. *(a)* That the violations of international law set out in submissions 1, 2 and 3 constitute wrongful acts attributable to Uganda which engage its international responsibility;
   (b) that the Republic of Uganda shall cease forthwith all continuing internationally wrongful acts, and in particular its support for irregular forces operating in the DRC and its exploitation of Congolese wealth and natural resources;
   (c) that the Republic of Uganda shall provide specific guarantees and assurances that it will not repeat the wrongful acts complained of;
   (d) that the Republic of Uganda is under an obligation to the Democratic Republic of the Congo to make reparation for all injury caused to the latter by the violation of the obligations imposed by international law and set out in submissions 1, 2 and 3 above;
   (e) that the nature, form and amount of the reparation shall be determined by the Court, failing agreement thereon between the Parties, and that the Court shall reserve the subsequent procedure for that purpose.

5. That the Republic of Uganda has violated the Order of the Court on provisional measures of 1 July 2000, in that it has failed to comply with the following provisional measures:

massive electrical power cuts, Uganda had rendered itself responsible for very heavy losses of life among the 5 million inhabitants of the city of Kinshasa and the surrounding area; and that by shooting down, on 9 October 1998 at Kindu, a Boeing 727 the property of Congo Airlines, thereby causing the death of 40 civilians, Uganda had also violated certain conventions concerning international civil aviation. The Democratic Republic of the Congo further asked the Court to adjudge and declare that all Ugandan armed forces and Ugandan nationals, both natural and legal persons, should be withdrawn from Congolese territory; and that the Democratic Republic of the Congo was entitled to compensation.

The Democratic Republic of the Congo invoked as basis for the Court's jurisdiction the declarations whereby both States have accepted the compulsory jurisdiction of the Court in relation to any other State accepting the same obligation (Article 36, paragraph 2, of the Statute of the Court).

Taking into account the agreement of the Parties, the Court, by an Order of 21 October 1999 (*I.C.J. Reports 1999*, p. 1022), fixed 21 July 2000 as the time-limit for the filing of a Memorial by the Congo and 21 April 2001 for the filing of a Counter-Memorial by Uganda. The Memorial of the Democratic Republic of the Congo was filed within the time-limit thus prescribed.

On 19 June 2000 the Democratic Republic of the Congo filed a request for the indication of provisional measures, stating that "since 5 June [2000], the resumption of fighting between the armed troops of . . . Uganda and another foreign army ha[d] caused considerable damage to the Congo and to its population", and "these tactics ha[d] been unanimously condemned, in particular by the United Nations Security Council". By letters of the same date, the President of the Court, acting in conformity with Article 74, paragraph 4, of the Rules of Court, drew "the attention of both Parties to the need to act in such a way as to enable any Order the Court will make on the request for provisional measures to have its appropriate effects".

Public hearings on the request for the indication of provisional measures were held on 26 and 28 June 2000. At a public sitting held on 1 July 2000, the Court rendered its Order (*I.C.J. Reports 2000*, p. 111), by which it unanimously found that both Parties must,

> "forthwith, prevent and refrain from any action, and in particular any armed action, which might prejudice the rights of the other Party in respect of whatever judgment the Court may render in the case, or which might aggravate or extend the dispute before the Court or make it more difficult to resolve";
>
> "forthwith, take all measures necessary to comply with all of their obligations under international law, in particular those under the United Nations Charter and the Charter of the Organization of African Unity, and with United Nations Security Council resolution 1304 (2000) of 16 June 2000";

and

> "forthwith, take all measures necessary to ensure full respect within the zone of conflict for fundamental human rights and for the applicable provisions of humanitarian law".

Within the time-limit of 21 April 2001 fixed by the Court's Order of 21 October 1999, Uganda filed its Counter-Memorial. The Counter-Memorial contained three counter-claims. The first concerned alleged acts of aggression against it by the Democratic Republic of the Congo; the second related to attacks on Ugandan diplomatic premises and personnel in Kinshasa and on Ugandan nationals for which the Democratic Republic of the Congo was alleged to be responsible; and the third dealt with alleged violations by the Democratic Republic of the Congo of the Lusaka Agreement. Uganda asked that the issue of reparation be reserved for a subsequent stage of the proceedings. By an Order of 29 November 2001 (*I.C.J. Reports 2001*, p. 660), the Court found that the first two of the counter-claims submitted by Uganda against the Democratic Republic of the Congo were "admissible as such and [formed] part of the current proceedings", but that the third was not. In view of these findings, the Court considered it necessary for the Democratic Republic of the Congo to file a Reply and Uganda a Rejoinder, addressing the claims of both Parties, and fixed 29 May 2002 as the time-limit for the filing of the Reply and 29 November 2002 for the filing of the Rejoinder. Further, in order to ensure strict equality between the Parties, the Court reserved the right of the Democratic Republic of the Congo to present its views in writing a second time on the Uganda counter-claims, in an additional pleading to be the subject of a subsequent Order. The Reply was filed within the time-limit fixed. By an Order of 7 November 2002 (*I.C.J. Reports 2002*, p. 604), the Court extended the time-limit for the filing by Uganda of its Rejoinder and fixed 6 December 2002 as the new time-limit. The Rejoinder was filed within the time-limit as thus extended.

By an Order of 29 January 2003 (*I.C.J. Reports 2003*, p. 3) the Court authorized the submission by the Democratic Republic of the Congo of an additional pleading relating solely to the counter-claims submitted by Uganda, and fixed 28 February 2003 as the time-limit for its filing. That written pleading was filed within the time-limit fixed.

The Court had initially fixed 10 November 2003 as the date for the opening of the hearings.

However, by a letter dated 5 November 2003, the Democratic Republic of the Congo raised the question whether the hearings might be adjourned to a later date, in April 2004, in order to enable the diplomatic negotiations engaged by the parties to be conducted in an atmosphere of calm. By a letter of 6 November 2003, Uganda indicated that it supported the proposal and adopted the request of the Congo.

By a letter dated 6 November 2003, the Registrar informed the Parties that the Court, acting under Article 54, paragraph 1, of the Rules of Court, and taking account of the representations made to it by the states that its task is to respond, on the basis of international law, to the particular legal dispute brought before it.

The DRC's first submission (paras. 28-165)

Contentions of the Parties (paras. 29-41)

The Court sets out the contentions of the Parties. The DRC asserts that, following President Laurent-Désiré Kabila's accession to power in May 1997, Uganda and Rwanda were granted substantial benefits in the DRC in the military and economic fields. According to the DRC, President Kabila subsequently sought to reduce the two countries' influence and this "new policy of independence and emancipation" from Rwanda and Uganda constituted the reason for the invasion of Congolese territory by Ugandan forces in August 1998. The DRC claims that on 4 August 1998 Uganda and Rwanda organized an airborne operation, flying their troops from Goma on the eastern frontier of the DRC to Kitona, some 1,800 km away on the other side of the DRC, on the Atlantic coast. It further states that, in the north-eastern part of the country, within a matter of months, troops from the Uganda Peoples' Defence Forces (UPDF) had advanced and progressively occupied a substantial part of Congolese territory in several provinces. The DRC also submits that Uganda supported Congolese armed groups opposed to President Kabila's Government. For its part Uganda affirms that on 4 August 1998 there were no Ugandan troops present in either Goma or Kitona, or on board the planes referred to by the DRC. It claims that upon assuming power, President Kabila invited Uganda to deploy its troops in eastern Congo since the Congolese army did not have the resources to control the remote eastern provinces, and in order to "eliminate" the anti-Ugandan insurgents operating in that zone and to secure the border region. Uganda maintains that between May and July 1998 President Kabila broke off his alliances with Rwanda and Uganda and established new alliances with Chad, the Sudan and various anti-Ugandan insurgent groups. Uganda affirms that it did not send additional troops into the DRC during August 1998 but states, however, that by August-September 1998, as the DRC and the Sudan prepared to attack Ugandan forces in eastern Congo, its security situation had become untenable. Uganda submits that in response to this "grave threat, and in the lawful exercise of its sovereign right of self-defence", it made a decision on 11 September 1998 to augment its forces in eastern Congo and to gain control of the strategic airfields and river ports in northern and eastern Congo. Uganda notes that the on-going regional peace process led to the signing on 10 July 1999 of the Lusaka Ceasefire Agreement, followed by the Kampala and Harare Disengagement Plans. Finally, under the terms of the bilateral Luanda Agreement, signed on 6 September 2002, Uganda agreed to withdraw all its troops from the DRC, except for those expressly authorized by the DRC to remain on the slopes of Mt. Ruwenzori. Uganda claims that it completed this withdrawal in June 2003 and that since that time, "not a single Ugandan soldier has been deployed inside the Congo".

Issue of consent (paras. 42-54)

After having examined the materials put before it by the Parties, the Court finds that it is clear that in the period preceding August 1998 the DRC did not object to Uganda's military presence and activities in its eastern border area. The Court takes note of the Protocol on Security along the Common Border signed on 27 April 1998 between the two countries, in which they agreed that their respective armies would "co-operate in order to ensure security and peace along the common border". The Court finds however, that, while the co-operation envisaged in the Protocol may be reasonably understood as having its effect in a continued authorization of Ugandan troops in the border area, it was not the legal basis for such authorization or consent. The source of an authorization or consent to the crossing of the border by these troops antedated the Protocol; this prior authorization or consent could thus be withdrawn at any time by the Government of the DRC, without further formalities being necessary.

The Court observes that when President Kabila came to power, the influence in the DRC of Uganda, and in particular of Rwanda, became substantial. It states that from late Spring 1998 President Kabila sought, for various reasons, to reduce this foreign influence. On 28 July 1998, an official statement by President Kabila was published, in which he announced that he "had just terminated, with effect from Monday 27 July 1998, the Rwandan military presence which has assisted us during the period of the country's liberation" and concluded that "this marks the end of the presence of all foreign military forces in the Congo". The DRC contends that, although there was no specific reference to Ugandan troops in the statement, the final phrase indicated that consent was withdrawn for Ugandan as well as Rwandan troops. Uganda, for its part, maintains that the President's statement was directed at the Rwandan forces alone. The Court observes that the content of President Kabila's statement, as a purely textual matter, was ambiguous.

The Court draws attention to the fact that the consent that had been given to Uganda to place its forces in the DRC, and to engage in military operations, was not an open-ended consent. Even had consent to the Ugandan military presence extended much beyond the end of July 1998, the parameters of that consent, in terms of geographic location and objectives, would have remained thus restricted.

In the event, the issue of withdrawal of consent by the DRC, and that of expansion by Uganda of the scope and nature of its activities, went hand in hand. The Court observes that at the Summit of Heads of State held in Victoria Falls on 7 and 8 August 1998 the DRC accused Rwanda and Uganda of invading its territory. It thus appears evident to the Court that any earlier consent by the DRC to the presence of Ugandan troops on its territory had at the latest been withdrawn by 8 August 1998, i.e. the closing date of the Summit.

Findings of fact concerning Uganda's use of force in respect of Kitona (paras. 55-71)

The Court notes that the dispute about the commencement date of the military action by Uganda that was not covered by consent is, in the most part, directed at the legal characterization of events rather than at whether these events occurred. In some instances, however, Uganda denies that its troops were ever present at particular locations, the military action at Kitona being an important example.

The Court then sets out its method of assessing the vast amount of evidentiary materials proffered by the Parties. It recalls that its task is to decide not only which of those materials must be considered relevant, but also which of them have probative value with regard to the alleged facts. The Court explains that it will treat with caution evidentiary materials specially prepared for this case and also materials emanating from a single source. It will prefer contemporaneous evidence from persons with direct knowledge; it will give particular attention to reliable evidence acknowledging facts or conduct unfavourable to the State represented by the person making them; and it will give weight to evidence that has not been challenged by impartial persons for the correctness of what it contains. It further points out that evidence obtained by examination of persons directly involved, and who were subsequently cross-examined by judges skilled in examination and experienced in assessing large amounts of factual information, merits special attention. It will thus give appropriate consideration to the Report of the Judicial Commission of Inquiry into Allegations of Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of the Congo set up by the Ugandan Government in May 2001 and headed by Justice David Porter ("the Porter Commission"), which has been accepted by both Parties.

Having examined the evidence in relation to the DRC's contention concerning the events at Kitona, the Court concludes that it has not been established to its satisfaction that Uganda participated in the attack on Kitona on 4 August 1998.

Findings of fact: military action in the east of the DRC and in other areas of that country (paras. 72-91)

The Court states that the facts regarding the military action by Uganda in the east of the DRC between August 1998 and July 1999 are relatively little contested between the Parties. Based on the evidence in the case file, it determines which locations were taken by Uganda in this period and the corresponding "dates of capture".

The Court states that there is, however, considerable controversy between the Parties over the DRC's claim regarding towns taken after

10 July 1999. The Court recalls that on this date the Parties had agreed to a ceasefire and to all further provisions of the Lusaka Agreement. It makes no findings as to the responsibility of each of the Parties for any violations of the Lusaka Agreement, confining itself to stating that it has not received convincing evidence that Ugandan forces were present at locations claimed by the DRC to have been taken after 10 July 1999.

Did the Lusaka, Kampala and Harare Agreements constitute any consent of the DRC to the presence of Ugandan troops? (paras. 92-105)

The Court turns to the question whether the Lusaka Agreement, the Kampala and Harare Disengagement Plans and the Luanda Agreement constituted consent to the presence of Ugandan troops on the territory of the DRC.

It observes that nothing in the provisions of the Lusaka Agreement can be interpreted as an affirmation that the security interests of Uganda had already required the presence of Ugandan forces on the territory of the DRC as from September 1998. It finds that the Lusaka Agreement only represented an agreed *modus operandi* for the parties, providing a framework for the orderly withdrawal of all foreign forces from the DRC. In accepting this *modus operandi* the DRC did not "consent" to the presence of Ugandan troops. This conclusion did not change with the revisions to the schedule for withdrawal that subsequently became necessary.

After careful examination of the Kampala and Harare Disengagement Plans, as well as of the Luanda Agreement, the Court concludes that the various treaties directed to achieving and maintaining a ceasefire, the withdrawal of foreign forces and the stabilization of relations between the DRC and Uganda, did not (save for the limited exception regarding the border region of the Ruwenzori Mountains contained in the Luanda Agreement) constitute consent by the DRC to the presence of Ugandan troops on its territory for the period after July 1999, in the sense of validating that presence in law.

Self-defence in the light of proven facts (paras. 106-147)

The Court states that Ugandan actions at Aru, Beni, Bunia and Watsa in August 1998 were of a different nature from previous operations along the common border. The Court finds these actions to be quite outside any mutual understanding between the Parties as to Uganda's presence on Congolese territory near the border. Such actions could therefore only be justified, if at all, as actions in self-defence. However, the Court notes that at no time has Uganda sought to justify them on this basis. By contrast, the operation known as operation "Safe Haven", i.e. military actions of Uganda on the DRC's territory after 7 August 1998, was firmly rooted in a claimed entitlement "to secure Uganda's legitimate security interests" and, according to the Court, those who were intimately involved in its execution regarded the military actions throughout August 1998 as already part and parcel of that operation.

The Court observes that the objectives of operation "Safe Haven", as stated in a Ugandan High Command document issued on 11 September 1998, were not consonant with the concept of self-defence as understood in international law. Uganda maintains that the operation had been launched because of "stepped-up cross-border attacks against Uganda by the Allied Democratic Forces (ADF), which was being re-supplied and re-equipped by the Sudan and the DRC Government". Uganda claims that there existed a tripartite anti-Ugandan conspiracy between the DRC, the ADF and the Sudan for this purpose. After careful consideration of the evidence produced by Uganda, the Court observes that it cannot safely be relied on to prove that there was an agreement between the DRC and the Sudan to participate in or to support military action against Uganda; or that any action by the Sudan was of such character as to justify Uganda's claim that it was acting in self-defence.

The Court further notes that Uganda did not report to the Security Council events that it had regarded as requiring it to act in self-defence. It further states that Uganda never claimed that it had been subjected to an armed attack by the armed forces of the DRC. The "armed attacks" to which reference was made came rather from the ADF. Furthermore, there was no satisfactory proof of the involvement in these attacks, direct or indirect, of the Government of the DRC.

The Court concludes that the legal and factual circumstances for the exercise of a right of self-defence by Uganda against the DRC were not present.

Findings of law on the prohibition against the use of force (paras. 148-165)

As to the DRC's claim that, from September 1998 onwards, Uganda both created and controlled the Congo Liberation Movement (MLC), a rebel movement led by Mr. Bemba, the Court states that there is no credible evidence to support this allegation. The Court however notes that the training and military support given by Uganda to the ALC, the military wing of the MLC, violated certain obligations of international law.

In relation to the first of the DRC's final submissions, the Court finds that Uganda has violated the sovereignty and also the territorial integrity of the DRC. Uganda's actions equally constituted an interference in the internal affairs of the DRC and in the civil war raging there. The unlawful military intervention by Uganda was of such magnitude and duration that the Court considers it to be a grave violation of the prohibition on the use of force expressed in Article 2, paragraph 4, of the Charter.

The issue of belligerent occupation (paras. 166-180)

Before turning to the DRC's second and third submissions, the Court considers the question as to whether or not Uganda was an occupying

Power in the parts of the Congolese territory where its troops were present at the relevant time.

It observes that, under customary international law, as reflected in Article 42 of the Hague Regulations of 1907, territory is considered to be occupied when it is actually placed under the authority of the hostile army, and the occupation extends only to the territory where such authority has been established and can be exercised.

The Court states that it is not disputed between the Parties that General Kazini, commander of the Ugandan forces in the DRC, created the new "province of Kibali-Ituri" in June 1999. It considers that, regardless of whether or not General Kazini acted in violation of orders and was punished as a result, his conduct is clear evidence of the fact that Uganda established and exercised authority in Ituri as an occupying Power. The Court however observes that the DRC does not provide any specific evidence to show that authority was exercised by the Ugandan armed forces in any areas other than in Ituri district.

Having concluded that Uganda was the occupying Power in Ituri at the relevant time, the Court states that, as such, it was under an obligation, according to Article 43 of the Hague Regulations, to take all measures in its power to restore, and ensure, as far as possible, public order and safety in the occupied area, while respecting, unless absolutely prevented, the laws in force in the DRC. This obligation comprised the duty to secure respect for the applicable rules of international human rights law and international humanitarian law, to protect the inhabitants of the occupied territory against acts of violence, and not to tolerate such violence by any third party.

The Court finds that Uganda's responsibility is engaged both for any acts of its military that violated its international obligations and for any lack of vigilance in preventing violations of human rights and international humanitarian law by other actors present in the occupied territory, including rebel groups acting on their own account. It notes that Uganda at all times has responsibility for all actions and omissions of its own military forces in the territory of the DRC in breach of its obligations under the rules of international human rights law and international humanitarian law which are relevant and applicable in the specific situation.

The DRC's second submission (paras. 181-221)

Violations of international human rights law and international humanitarian law: contentions of the Parties (paras. 181-195)

The Court sets out the contention of the DRC that Ugandan armed forces committed wide-scale human rights violations on Congolese territory, particularly in Ituri, and Uganda's contention that the DRC has failed to provide any credible evidentiary basis to support its allegations.

Admissibility of claims in relation to events in Kisangani (paras. 196-204)

The DRC's claim relates in part to events in Kisangani, where in June 2000 fighting broke out between Ugandan and Rwandan troops. It is Uganda's contention that, in the absence of Rwanda from the proceedings, the DRC's claim relating to Uganda's responsibility for these events is inadmissible.

The Court points out that it has had to examine questions of this kind on previous occasions. In the case concerning *Certain Phosphate Lands in Nauru (Nauru* v. *Australia)*, the Court observed that it is not precluded from adjudicating upon the claims submitted to it in a case in which a third State "has an interest of a legal nature which may be affected by the decision in the case", provided that "the legal interests of the third State which may possibly be affected do not form the very subject-matter of the decision that is applied for". The Court considers that this jurisprudence is applicable in the current proceedings since the interests of Rwanda do not constitute the "very subject-matter" of the decision to be rendered by it. Thus it is not necessary for Rwanda to be a party to this case for the Court to be able to rule on Uganda's responsibility for violations of its obligations under international human rights law and international humanitarian law in the course of fighting in Kisangani.

Violations of international human rights law and international humanitarian law: findings of the Court (paras. 205-221)

Having examined the case file, the Court considers that it has credible evidence sufficient to conclude that the UPDF troops committed acts of killing, torture and other forms of inhumane treatment of the civilian population, destroyed villages and civilian buildings, failed to distinguish between civilian and military targets and to protect the civilian population in fighting with other combatants, incited ethnic conflict and took no steps to put an end to such conflicts, was involved in the training of child soldiers, and failed to take measures to ensure respect for human rights and international humanitarian law in Ituri.

The Court however does not consider that the allegation of the DRC that the Ugandan Government carried out a deliberate policy of terror has been proven.

Turning to the question as to whether acts and omissions of the UPDF and its officers and soldiers are attributable to Uganda, the Court states that the conduct of the UPDF as a whole is clearly attributable to Uganda, being the conduct of a State organ. The conduct of individual soldiers and officers of the UPDF is to be considered as the conduct of a State organ. In the Court's view, by virtue of the military status and function of Ugandan soldiers in the DRC, their conduct is attributable to Uganda. It is furthermore irrelevant for the attribution of their conduct to Uganda whether UPDF personnel acted contrary to the instructions given or exceeded their authority. According to a well-established rule of a customary nature, as reflected in Article 3 of the Fourth Hague Convention respecting the Laws and Customs of War on Land of 1907 as well as in Article 91 of Protocol I additional to the Geneva Conventions of 1949, a party to an armed conflict shall be responsible for all acts by persons forming part of its armed forces.

The Court finds that the acts committed by the UPDF and officers and soldiers of the UPDF are in clear violation of the obligations under the Hague Regulations of 1907, Articles 25, 27 and 28, as well as Articles 43, 46 and 47 with regard to obligations of an occupying Power. These obligations are binding on the Parties as customary international law. Uganda also violated the following provisions of the international humanitarian law and international human rights law instruments, to which both Uganda and the DRC are parties:

Fourth Geneva Convention, Articles 27 and 32 as well as Article 53 with regard to obligations of an occupying Power;
International Covenant on Civil and Political Rights, Articles 6, paragraph 1, and 7;
First Protocol Additional to the Geneva Conventions of 12 August 1949, Articles 48, 51, 52, 57, 58 and 75, paragraphs 1 and 2;
African Charter on Human and Peoples' Rights, Articles 4 and 5;
Convention on the Rights of the Child, Article 38, paragraphs 2 and 3;
Optional Protocol to the Convention on the Rights of the Child, Articles 1, 2, 3, paragraph 3, Articles 4, 5 and 6.

The Court thus concludes that Uganda is internationally responsible for violations of international human rights law and international humanitarian law committed by the UPDF and by its members in the territory of the DRC and for failing to comply with its obligations as an occupying Power in Ituri.

The Court points out that, while it has pronounced on the violations of international human rights law and international humanitarian law committed by Ugandan military forces on the territory of the DRC, the actions of the various parties in the complex conflict in the DRC have contributed to the immense suffering faced by the Congolese population. The Court is painfully aware that many atrocities have been committed in the course of the conflict. It is incumbent on all those involved in the conflict to support the peace process in the DRC and other peace processes in the Great Lakes area, in order to ensure respect for human rights in the region.

The DRC's third submission (paras. 222-250)

Illegal exploitation of natural resources (paras. 222-236)

The Court sets out the contention of the DRC that Ugandan troops systematically looted and exploited the assets and natural resources of the DRC and Uganda's contention that the DRC has failed to provide reliable evidence to corroborate its allegations.

Parties will respect and adhere to their obligations under that Agreement and under general international law.

Finally, the DRC asks the Court to adjudge and declare that Uganda is under an obligation to make reparation to the DRC for all injury caused by the violation by Uganda of its obligations under international law. The Court observes that it is well established in general international law that a State which bears responsibility for an internationally wrongful act is under an obligation to make full reparation for the injury caused by that act. Upon examination of the case file, given the character of the internationally wrongful acts for which Uganda has been found responsible, the Court considers that those acts resulted in injury to the DRC and to persons on its territory. Having satisfied itself that this injury was caused to the DRC by Uganda, the Court finds that Uganda has an obligation to make reparation accordingly.

The Court further considers appropriate the request of the DRC for the nature, form and amount of the reparation due to it to be determined by the Court, failing agreement between the Parties, in a subsequent phase of the proceedings.

The DRC's fifth submission (paras. 262-265)

Compliance with the Court's Order on provisional measures

The Court then examines the question whether Uganda has complied with the Order of the Court on provisional measures of 1 July 2000 (*I.C.J. Reports 2000*, p. 111). Having observed that its "orders on provisional measures under Article 41 [of the Statute] have binding effect", the Court states that the DRC did not put forward any specific evidence demonstrating that after July 2000 Uganda committed acts in violation of each of the three provisional measures indicated by the Court. The Court however observes that in its Judgment it has found that Uganda is responsible for acts in violation of international humanitarian law and international human right law. The evidence shows that such violations were committed throughout the period when Ugandan troops were present in the DRC, including the period from 1 July 2000 until practically their final withdrawal on 2 June 2003. The Court thus concludes that Uganda did not comply with the Order.

The Court further notes that the provisional measures indicated in the Order of 1 July 2000 were addressed to both Parties. The Court's finding is without prejudice to the question as to whether the DRC also failed to comply with the provisional measures indicated by the Court.

Counter-Claims (paras. 266-344)

Admissibility of objections (paras. 266-275)

The DRC maintains that the joinder of Uganda's first and second counter-claims to the proceedings following the Order of 29 November 2001 (*I.C.J. Reports 2001*, p.660), by which the Court found that those two counter-claims were admissible as such, does not imply that preliminary objections cannot be raised against them. Uganda asserts for its part that the DRC is no longer entitled at this stage of the proceedings to plead the inadmissibility of the counter-claims, since the Court's Order is a definitive determination on counter-claims under Article 80 of the Rules of Court.

The Court notes that in the *Oil Platforms (Islamic Republic of Iran* v. *United States of America)* case it was called upon to resolve the same issue and that it concluded that Iran was entitled to challenge the admissibility of the United States counter-claim in general, even though the counter-claim had previously been found admissible under Article 80 of the Rules. The Court also points out that Article 79 of the Rules of Court invoked by Uganda is inapplicable to the case of an objection to counter-claims which have been joined to the original proceedings. It accordingly finds that the DRC is entitled to challenge the admissibility of Uganda's counter-claims.

First counter-claim (paras. 276-305)

In its first counter-claim, Uganda contends that, since 1994, it has been the victim of military operations and other destabilizing activities carried out by hostile armed groups based in the DRC and either supported or tolerated by successive Congolese Governments.

In rebutting Uganda's first counter-claim, the DRC divides it into three periods of time: *(a)* the period prior to President Laurent-Désiré Kabila coming to power in May 1997; *(b)* the period starting from the accession to power of President Kabila until 2 August 1998, the date on which Uganda's military attack was launched; and *(c)* the period subsequent to 2 August 1998. It submits that, in so far as the alleged claim that the DRC was involved in armed attacks against Uganda covers the first period, it is inadmissible on the basis that Uganda renounced its right to invoke the international responsibility of the DRC (Zaire at the time) in respect of acts dating back to that period; and, in the alternative, groundless. It further asserts that the claim has no basis in fact for the second period and that it is not founded in fact or in law regarding the third period.

The Court does not see any obstacle to examining Uganda's first counter-claim following these three periods of time, and for practical purposes deems it useful to do so.

With respect to the question of admissibility of the first part of the counter-claim, the Court observes that nothing in the conduct of Uganda in the period after May 1997 can be considered as implying an unequivocal waiver of its right to bring a counter-claim relating to events which occurred during the Mobutu régime. It adds that the long period of time between the events during the Mobutu régime and the filing of Uganda's counter-claims has not rendered inadmissible Uganda's first

(2) Unanimously,

Finds admissible the claim submitted by the Democratic Republic of the Congo relating to alleged violations by the Republic of Uganda of its obligations under international human rights law and international humanitarian law in the course of hostilities between Ugandan and Rwandan military forces in Kisangani;

(3) By sixteen votes to one,

Finds that the Republic of Uganda, by the conduct of its armed forces, which committed acts of killing, torture and other forms of inhumane treatment of the Congolese civilian population, destroyed villages and civilian buildings, failed to distinguish between civilian and military targets and to protect the civilian population in fighting with other combatants, trained child soldiers, incited ethnic conflict and failed to take measures to put an end to such conflict; as well as by its failure, as an occupying Power, to take measures to respect and ensure respect for human rights and international humanitarian law in Ituri district, violated its obligations under international human rights law and international humanitarian law;

IN FAVOUR: *President* Shi; *Vice-President* Ranjeva; *Judges* Koroma, Vereshchetin, Higgins, Parra-Aranguren, Kooijmans, Rezek, Al-Khasawneh, Buergenthal, Elaraby, Owada, Simma, Tomka, Abraham; *Judge* ad hoc Verhoeven;

AGAINST: *Judge* ad hoc Kateka;

(4) By sixteen votes to one,

Finds that the Republic of Uganda, by acts of looting, plundering and exploitation of Congolese natural resources committed by members of the Ugandan armed forces in the territory of the Democratic Republic of the Congo and by its failure to comply with its obligations as an occupying Power in Ituri district to prevent acts of looting, plundering and exploitation of Congolese natural resources, violated obligations owed to the Democratic Republic of the Congo under international law;

IN FAVOUR: *President* Shi; *Vice-President* Ranjeva; *Judges* Koroma, Vereshchetin, Higgins, Parra-Aranguren, Kooijmans, Rezek, Al-Khasawneh, Buergenthal, Elaraby, Owada, Simma, Tomka, Abraham; *Judge* ad hoc Verhoeven;

AGAINST: *Judge* ad hoc Kateka;

(5) Unanimously,

Finds that the Republic of Uganda is under obligation to make reparation to the Democratic Republic of the Congo for the injury caused;

(6) Unanimously,

Decides that, failing agreement between the Parties, the question of reparation due to the Democratic Republic of the Congo shall be settled by the Court, and reserves for this purpose the subsequent procedure in the case;

(7) By fifteen votes to two,

Finds that the Republic of Uganda did not comply with the Order of the Court on provisional measures of 1 July 2000;

IN FAVOUR: *President* Shi; *Vice-President* Ranjeva; *Judges* Koroma, Vereshchetin, Higgins, Parra-Aranguren, Rezek, Al-Khasawneh, Buergenthal, Elaraby, Owada, Simma, Tomka, Abraham; *Judge* ad hoc Verhoeven;

AGAINST: *Judge* Kooijmans; *Judge* ad hoc Kateka;

(8) Unanimously,

Rejects the objections of the Democratic Republic of the Congo to the admissibility of the first counter-claim submitted by the Republic of Uganda;

(9) By fourteen votes to three,

Finds that the first counter-claim submitted by the Republic of Uganda cannot be upheld;

IN FAVOUR: *President* Shi; *Vice-President* Ranjeva; *Judges* Koroma, Vereshchetin, Higgins, Parra-Aranguren, Rezek, Al-Khasawneh, Buergenthal, Elaraby, Owada, Simma, Abraham; *Judge* ad hoc Verhoeven;

AGAINST: *Judges* Kooijmans, Tomka; *Judge* ad hoc Kateka;

(10) Unanimously,

Rejects the objection of the Democratic Republic of the Congo to the admissibility of the part of the second counter-claim submitted by the Republic of Uganda relating to the breach of the Vienna Convention on Diplomatic Relations of 1961;

(11) By sixteen votes to one,

Upholds the objection of the Democratic Republic of the Congo to the admissibility of the part of the second counter-claim submitted by the Republic of Uganda relating to the maltreatment of individuals other than Ugandan diplomats at Ndjili International Airport on 20 August 1998;

IN FAVOUR: *President* Shi; *Vice-President* Ranjeva; *Judges* Koroma, Vereshchetin, Higgins, Parra-Aranguren, Kooijmans, Rezek, Al-Khasawneh, Buergenthal, Elaraby, Owada, Simma, Tomka, Abraham; *Judge* ad hoc Verhoeven;

AGAINST: *Judge* ad hoc Kateka;

> of 23 December 1906 made by the King of Spain concerning the land boundary between Nicaragua and Honduras, which was found valid and binding by the International Court of Justice on 18 November 1960] on the mouth of the Coco river".

According to Nicaragua, "the position adopted by Honduras . . . has brought repeated confrontations and mutual capture of vessels of both nations in and around the general border area". Nicaragua further stated that "diplomatic negotiations have failed".

Nicaragua therefore requested the Court

> "to determine the course of the single maritime boundary between areas of territorial sea, continental shelf and exclusive economic zone appertaining respectively to Nicaragua and Honduras, in accordance with equitable principles and relevant circumstances recognized by general international law as applicable to such a delimitation of a single maritime boundary".

As a basis for the Court's jurisdiction, Nicaragua invoked Article XXXI of the American Treaty on Pacific Settlement (officially known as the "Pact of Bogotá"), signed on 30 April 1948, as well as the declarations under Article 36, paragraph 2, of the Statute of the Court, by which both States have accepted the compulsory jurisdiction of the Court.

By an Order of 21 March 2000 (*I.C.J. Reports 2000*, p. 6), the Court fixed 21 March 2001 and 21 March 2002 as the respective time-limits for the filing of a Memorial by Nicaragua and a Counter-Memorial by Honduras. Those pleadings were duly filed within the prescribed time-limits.

Copies of the pleadings and documents annexed were requested by the Governments of Colombia, Jamaica and El Salvador. In accordance with Article 53, paragraph 1, of its Rules, the Court ascertained the views of the Parties and, taking account of the views expressed by them, acceded to the first two countries' requests but not to that of the third.

By an Order of 13 June 2002 (*I.C.J. Reports 2002*, p. 216), the Court authorized the submission of a Reply by Nicaragua and a Rejoinder by Honduras and fixed the following time-limits for the filing of these pleadings: 13 January 2003 for the Reply, and 13 August 2003 for the Rejoinder. The Reply of Nicaragua and the Rejoinder of Honduras were filed within the time-limit thus fixed.

By letters dated 19 October 2005 the Registrar, in accordance with Article 63, paragraph 1, of the Statute, notified all States parties to the United Nations Convention on the Law of the Sea, to which reference had been made by the Parties in their written pleadings; he also sent to the European Union, which is a party to the Convention, the notification provided for in Article 43, paragraph 2, of the Rules of Court as adopted on 29 September 2005, and asked that organization whether it intended to make written observations under this provision. By a letter dated 12 December 2005 Mr. Javier Solana, Secretary-General of the Council of the European Union, informed the Court that the European Union did not intend to submit written observations on the case.

The Court has set 5 March 2007 as the date for the opening of hearings in the case.

7. Territorial and Maritime Dispute (Nicaragua v. *Colombia)*

On 6 December 2001 Nicaragua filed an Application instituting proceedings against Colombia in respect of a dispute concerning "a group of related legal issues subsisting" between the two States "concerning title to territory and maritime delimitation" in the western Caribbean.

In its Application, Nicaragua requested the Court to adjudge and declare:

> "*First*, that . . . Nicaragua has sovereignty over the islands of Providencia, San Andres and Santa Catalina and all the appurtenant islands and keys, and also over the Roncador, Serrana, Serranilla and Quitasueño keys (in so far as they are capable of appropriation);
>
> *Second*, in the light of the determinations concerning title requested above, the Court is asked further to determine the course of the single maritime boundary between the areas of continental shelf and exclusive economic zone appertaining respectively to Nicaragua and Colombia, in accordance with equitable principles and relevant circumstances recognized by general international law as applicable to such a delimitation of a single maritime boundary."

Nicaragua further indicated that it

> "reserves the right to claim compensation for elements of unjust enrichment consequent upon Colombian possession of the Islands of San Andres and Providencia as well as the keys and maritime spaces up to the 82 meridian, in the absence of lawful title".

It also "reserves the right to claim compensation for interference with fishing vessels of Nicaraguan nationality or vessels licensed by Nicaragua".

As a basis for the Court's jurisdiction, Nicaragua invoked Article 36, paragraph 2, of the Statute of the Court and Article XXXI of the American Treaty on Pacific Settlement (officially known as the "Pact of Bogotá"), signed on 30 April 1948, to which both Nicaragua and Colombia are parties.

Copies of the pleadings and documents annexed were requested by the Governments of Honduras, Jamaica, Chile and Peru. Pursuant to Article 53, paragraph 1, of its Rules, the Court ascertained the views of the Parties and, taking account of the views expressed by them, acceded to those requests.

By an Order of 26 February 2002 (*I.C.J. Reports 2002*, p. 189), the Court fixed 28 April 2003 and 28 June 2004 as the time-limits for the filing of a Memorial by Nicaragua and of a Counter-Memorial by Colombia. The Memorial of Nicaragua was filed within the time-limit thus fixed.

Findings of the Court concerning acts of illegal exploitation of nat
resources (paras. 237-250)

Having examined the case file, the Court finds that it does not hav its disposal credible evidence to prove that there was a governme policy on the part of Uganda directed at the exploitation of nat resources of the DRC or that Uganda's military intervention was car out in order to obtain access to Congolese resources. At the same ti the Court considers that it has ample credible and persuasive evide to conclude that officers and soldiers of the UPDF, including the m high-ranking officers, were involved in the looting, plundering exploitation of the DRC's natural resources and that the mili authorities did not take any measures to put an end to these acts.

As the Court has already noted. Uganda is responsible both for conduct of the UPDF as a whole and for the conduct of indivi soldiers and officers of the UPDF in the DRC. The Court further re that it is also irrelevant for the purposes of attributing their con to Uganda whether UPDF officers and soldiers acted contrary instructions given or exceeded their authority.

The Court finds that it cannot uphold the contention of the DRC Uganda violated the principle of the DRC's sovereignty over its nat resources. While recognizing the importance of this principle, the C does not believe that it is applicable to the specific situation of loot pillage and exploitation of certain natural resources by members of army of a State militarily intervening in another State.

As the Court has already stated, the acts and omissions of mem of Uganda's military forces in the DRC engage Uganda's internati responsibility in all circumstances, whether it was an occupying Po in particular regions or not. Thus, whenever members of the UPDF involved in the looting, plundering and exploitation of natural resou in the territory of the DRC, they acted in violation of the *jus in b* which prohibits the commission of such acts by a foreign army in territory where it is present. The Court notes in this regard that Article 47 of the Hague Regulations of 1907 and Article 33 of the Fo Geneva Convention of 1949 prohibit pillage.

The Court further observes that both the DRC and Uganda are pa to the African Charter on Human and Peoples' Rights of 27 June 1 paragraph 2 of Article 21 of which states that "[i]n case of spolia the dispossessed people shall have the right to the lawful recovery o property as well as to an adequate compensation".

The Court finds that there is sufficient evidence to support the D claim that Uganda violated its duty of vigilance by not taking adeq measures to ensure that its military forces did not engage in the loo plundering and exploitation of the DRC's natural resources. It fol that by this failure to act Uganda violated its international obligati thereby incurring its international responsibility. In any event, what measures had been taken by its authorities, Uganda's responsi was nonetheless engaged by the fact that the unlawful acts had been committed by members of its armed forces.

As for the claim that Uganda also failed to prevent the looting, plundering and illegal exploitation of the DRC's natural resources by rebel groups, the Court has already found that the latter were not under the control of Uganda. Thus, with regard to the illegal activities of such groups outside of Ituri, it cannot conclude that Uganda was in breach of its duty of vigilance.

The Court further observes that the fact that Uganda was the occupying Power in Ituri district extends Uganda's obligation to take appropriate measures to prevent the looting, plundering and exploitation of natural resources in the occupied territory to cover private persons in this district and not only members of Ugandan military forces.

The Court finally concludes that it is in possession of sufficient credible evidence to find that Uganda is internationally responsible for acts of looting, plundering and exploitation of the DRC's natural resources committed by members of the UPDF in the territory of the DRC, for violating its obligation of vigilance in regard to these acts and for failing to comply with its obligations under Article 43 of the Hague Regulations of 1907 as an occupying Power in Ituri in respect of all acts of looting, plundering and exploitation of natural resources in the occupied territory.

The DRC's fourth submission (paras. 251-261)

Legal consequences of violations of international obligations by Uganda

The DRC requests the Court to adjudge and declare that Uganda shall cease forthwith all continuing internationally wrongful acts.

The Court observes that there is no evidence in the case file which can corroborate the DRC's allegation that at present Uganda supports irregular forces operating in the DRC and continues to be involved in the exploitation of Congolese natural resources. The Court thus does not find it established that Uganda, following the withdrawal of its troops from the territory of the DRC in June 2003, continues to commit the internationally wrongful acts specified by the DRC. The Court accordingly concludes that the DRC's request cannot be upheld.

The DRC further requests the Court to rule that Uganda provide specific guarantees and assurances of non-repetition of the wrongful acts complained of. In this respect the Court has taken judicial notice of the Tripartite Agreement on Regional Security in the Great Lakes, signed on 26 October 2004 by the DRC, Rwanda and Uganda. In the Preamble of this Agreement the Parties emphasize "the need to ensure that the principles of good neighbourliness, respect for the sovereignty, territorial integrity, and non-interference in the internal affairs of sovereign states are respected, particularly in the region". In the Court's view, the commitments assumed by Uganda under the Tripartite Agreement must be regarded as meeting the DRC's request for specific guarantees and assurances of non-repetition. The Court expects and demands that the counter-claim for the period prior to May 1997. The DRC's objection to admissibility cannot therefore be upheld.

With respect to the merits of the counter-claim for the first period, the Court finds that Uganda has not produced sufficient evidence to show that Zaire provided political and military support to anti-Ugandan rebel groups operating in its territory during the Mobutu régime.

With regard to the second period, the Court finds that Uganda has failed to provide conclusive evidence of actual support for anti-Ugandan rebel groups by the DRC. The Court notes that during this period, the DRC was in fact acting together with Uganda against the rebels, not in support of them.

In relation to the third period, and in view of the Court's finding that Uganda engaged in an illegal military operation against the DRC, the Court considers that any military action taken by the DRC against Uganda during this period could not be deemed wrongful since it would be justified as action taken in self-defence under Article 51 of the United Nations Charter. Moreover, the Court has already found that the alleged participation of DRC regular troops in attacks by anti-Ugandan rebels against the UPDF and the alleged support to anti-Ugandan insurgents in this period cannot be considered proven.

The first counter-claim thus fails in its entirety.

Second counter-claim (paras. 306-344)

In its second counter-claim, Uganda contends that Congolese armed forces attacked the premises of the Ugandan Embassy, confiscated property belonging to the Government of Uganda, Ugandan diplomats and Ugandan nationals; and maltreated diplomats and other Ugandan nationals present on the premises of the mission and at Ndjili International Airport.

In rebutting Uganda's second counter-claim, the DRC argues that it is partially inadmissible on the ground that Uganda has ascribed new legal bases in its Rejoinder to the DRC's responsibility by including claims based on the violation of the Vienna Convention on Diplomatic Relations. According to the DRC, Uganda thus breaks the connection with the principal claim. The DRC also asserts that the alleged modification of the subject-matter of this part of the dispute is manifestly incompatible with the Court's Order of 29 November 2001.

The DRC further argues that the claim based on the inhumane treatment of Ugandan nationals cannot be admitted, because the requirements for admissibility of a diplomatic protection claim are not satisfied.

As to the merits of the second counter-claim, the DRC argues that in any event Uganda has been unable to establish the factual and legal bases of its claims.

With respect to the question of admissibility, the Court finds that its Order of 29 November 2001 did not preclude Uganda from invoking the

Vienna Convention on Diplomatic Relations, since the formulation of the Order was sufficiently broad to encompass claims based on the Convention. It further observes that the substance of the part of the counter-claim relating to acts of maltreatment against other persons on the premises of the Embassy falls within the ambit of Article 22 of the Convention and is admissible. It however states that the other part relating to the maltreatment of persons not enjoying diplomatic status at Ndjili International Airport as they attempted to leave the country is based on diplomatic protection and that, in the absence of evidence with respect to the Ugandan nationality of the persons in question, that part of the counter-claim is inadmissible.

Regarding the merits of Uganda's second counter-claim, the Court finds that there is sufficient evidence to prove the attacks against the Embassy and acts of maltreatment against Ugandan diplomats on Embassy premises and at Ndjili International Airport. It finds that, by committing those acts, the DRC breached its obligations under Articles 22 and 29 of the Vienna Convention on Diplomatic Relations. The Court further finds that the removal of property and archives from the Ugandan Embassy was in violation of the rules of international law on diplomatic relations.

The Court points out that it would only be at a subsequent phase, failing an agreement between the Parties, that the specific circumstances of these violations as well as the precise damage suffered by Uganda and the extent of the reparation to which it is entitled would have to be demonstrated.

*

Operative paragraph (para. 345)

"For these reasons,

THE COURT,

(1) By sixteen votes to one,

Finds that the Republic of Uganda, by engaging in military activities against the Democratic Republic of the Congo on the latter's territory, by occupying Ituri and by actively extending military, logistic, economic and financial support to irregular forces having operated on the territory of the DRC, violated the principle of non-use of force in international relations and the principle of non-intervention;

IN FAVOUR: *President* Shi; *Vice-President* Ranjeva; *Judges* Koroma, Vereshchetin, Higgins, Parra-Aranguren, Kooijmans, Rezek, Al-Khasawneh, Buergenthal, Elaraby, Owada, Simma, Tomka, Abraham; *Judge* ad hoc Verhoeven;

AGAINST: *Judge* ad hoc Kateka;

(12) Unanimously,

Finds that the Democratic Republic of the Congo, by the conduct of its armed forces, which attacked the Ugandan Embassy in Kinshasa, maltreated Ugandan diplomats and other individuals on the Embassy premises, maltreated Ugandan diplomats at Ndjili International Airport, as well as by its failure to provide the Ugandan Embassy and Ugandan diplomats with effective protection and by its failure to prevent archives and Ugandan property from being seized from the premises of the Ugandan Embassy, violated obligations owed to the Republic of Uganda under the Vienna Convention on Diplomatic Relations of 1961;

(13) Unanimously,

Finds that the Democratic Republic of the Congo is under obligation to make reparation to the Republic of Uganda for the injury caused;

(14) Unanimously,

Decides that, failing agreement between the Parties, the question of reparation due to the Republic of Uganda shall be settled by the Court, and reserves for this purpose the subsequent procedure in the case."

*

Judge Koroma appended a declaration to the Judgment of the Court; Judges Parra-Aranguren, Kooijmans, Elaraby and Simma appended separate opinions; Judge Tomka and Judge *ad hoc* Verhoeven appended declarations; Judge *ad hoc* Kateka appended a dissenting opinion.

5. Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. *Serbia and Montenegro)*

On 2 July 1999 the Republic of Croatia instituted proceedings against Serbia and Montenegro (then known as the Federal Republic of Yugoslavia) for violations of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide alleged to have been committed between 1991 and 1995.

In its Application, Croatia contended that

> "by directly controlling the activity of its armed forces, intelligence agents, and various paramilitary detachments, on the territory of . . . Croatia, in the Knin region, eastern and western Slavonia, and Dalmatia, [Serbia and Montenegro] is liable for the 'ethnic cleansing' of Croatian citizens from these areas . . . as well as extensive property destruction – and is required to provide reparation for the resulting damage".

Croatia further claimed that

> "in addition, by directing, encouraging, and urging Croatian citizens of Serb ethnicity in the Knin region to evacuate the area in 1995, as . . . Croatia reasserted its legitimate governmental authority . . . [Serbia and Montenegro] engaged in conduct amounting to a second round of 'ethnic cleansing'".

Accordingly, Croatia requested the Court to adjudge and declare that Serbia and Montenegro "has breached its legal obligations" to Croatia under the Genocide Convention and that it

> "has an obligation to pay to . . . Croatia, in its own right and as *parens patriae* for its citizens, reparations for damages to persons and property, as well as to the Croatian economy and environment caused by the foregoing violations of international law in a sum to be determined by the Court".

As a basis for the jurisdiction of the Court, Croatia invoked Article IX of the Genocide Convention, to which, it stated, both Croatia and Serbia and Montenegro were parties.

On 14 March 2001, within the time-limit as extended by the Court, Croatia filed its Memorial. On 11 September 2002, within the extended time-limit for the filing of its Counter-Memorial, Serbia and Montenegro filed certain preliminary objections to jurisdiction and admissibility. The proceedings on the merits were accordingly suspended (Article 79 of the Rules of Court).

Following a request from the Government of Bosnia and Herzegovina, the Court, after ascertaining the views of the Parties pursuant to Article 53, paragraph 1, of the Rules of Court, made copies of the pleadings and annexed documents available to Bosnia and Herzegovina.

On 25 April 2003, within the time-limit fixed by the Court's Order of 14 November 2002 (*I.C.J. Reports 2002*, p. 610), Croatia filed a written statement of its observations and submissions on the preliminary objections raised by Serbia and Montenegro.

6. *Maritime Delimitation between Nicaragua and Honduras in the Caribbean Sea (Nicaragua* v. *Honduras)*

On 8 December 1999 the Republic of Nicaragua filed an Application instituting proceedings against the Republic of Honduras in respect of a dispute concerning the delimitation of the maritime zones appertaining to each of those States in the Caribbean Sea.

In its Application, Nicaragua stated *inter alia* that it had for decades "maintained the position that its maritime Caribbean border with Honduras has not been determined", while Honduras's position was said to be that

> "there in fact exists a delimitation line that runs straight easterly on the parallel of latitude from the point fixed in [an Arbitral Award

On 21 July 2003, within the time-limit for the subm
Memorial, Colombia filed preliminary objections t
the Court. The proceedings on the merits were ac
(Rules, Art. 79). Within the time-limit of 26 Janu
the Court in its Order of 24 September 2003 (*I.C.J. I*
Nicaragua filed a written statement of its observati
on the preliminary objections raised by Colombia.

8. *Armed Activities on the Territory of the Congo (Ne*
(Democratic Republic of the Congo v. *R*

On 28 May 2002, the Democratic Republic of
Application instituting proceedings against Rwanda
pute concerning: "massive, serious and flagrant v
rights and of international humanitarian law" result

> "from acts of armed aggression perpetrated
> territory of the Democratic Republic of the
> breach of the sovereignty and territorial integri
> guaranteed by the OAU Charter".

In its Application, the Democratic Republic of th
Rwanda has been guilty of "armed aggression" fro
the date of filing. According to the Applicant, that ag
in "large-scale human slaughter" in South Kivu,
and the Eastern Province, "rape and sexual a
"assassinations and kidnapping of political figures
activists", "arrests, arbitrary detentions, inhuman a
ment", "systematic looting of public and private ins
property belonging to civilians", "human rights viol
the invading Rwandan troops and their 'rebel' allies
in the East" of the Democratic Republic of the Con
of fauna and flora" of the country.

In consequence, the Democratic Republic of the
Court to adjudge and declare that, by violating the
are the goal pursued by the United Nations through
international peace and security, Rwanda had violat
the United Nations Charter as well as Articles 3
Charter that it further had violated a number of in
human rights; that, by shooting down a Boeing 72
Airlines on 9 October 1998 in Kindu, thereby ca
40 civilians, Rwanda had also violated certain con
international civil aviation; and that, by engaging i
rape, throat-slitting, and crucifying, Rwanda was
against more than 3,500,000 Congolese, including
recent massacres in the city of Kisangani, and had
right to life provided for in certain instruments prot

ssion of its Counter-
the jurisdiction of
ordingly suspended
ry 2004 as fixed by
eports 2003, p. 158)
ns and submissions

Application: 2002)
wanda)

the Congo filed an
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by Rwanda on the
Congo in flagrant
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Katanga Province
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and human rights
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ongo requested the
human rights which
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d and was violating
and 4 of the OAU
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ventions concerning
n killing, slaughter,
guilty of genocide
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ecting human rights

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as well as the Genocide Convention. It further asked the Court to adjudge and declare that all Rwandan armed forces should be withdrawn from Congolese territory; and that the Democratic Republic of the Congo was entitled to compensation.

In its Application the Democratic Republic of the Congo, in order to found the jurisdiction of the Court, relied on a number of compromissory clauses in treaties.

On the same day, 28 May 2002, the Democratic Republic of the Congo submitted a request for the indication of provisional measures. Public hearings on the request for provisional measures were held on 13 and 14 June 2002. On 10 July 2002, the Court delivered its Order (*I.C.J. Reports 2002*, p. 219), by which, having found that it had no prima facie jurisdiction, it rejected the request of the Democratic Republic of the Congo. In that Order, the Court, also rejected the submissions by the Rwandese Republic seeking the removal of the case from the Court's List.

By an Order of 18 September 2002 (*I.C.J. Reports 2002*, p. 299), the Court decided, in accordance with Article 79, paragraphs 2 and 3, of the revised Rules of Court, that the written pleadings would first be addressed to the questions of the jurisdiction of the Court and the admissibility of the Application and fixed 20 January 2003 as the time-limit for the filing of a Memorial by Rwanda and 20 May 2003 for the filing of a Counter-Memorial by the Democratic Republic of the Congo. Those pleadings were filed within the time-limits thus fixed.

Public hearings addressed to the questions of the jurisdiction of the Court and the admissibility of the Application were held from 4 to 8 July 2005. At the conclusion of those hearings the Parties presented the following final submissions to the Court:

For Rwanda:

> "[T]he Republic of Rwanda requests the Court to adjudge and declare that:
>
> 1. it lacks jurisdiction over the claims brought against the Republic of Rwanda by the Democratic Republic of the Congo; and
> 2. in the alternative, the claims brought against the Republic of Rwanda by the Democratic Republic of the Congo are inadmissible."

For the Democratic Republic of the Congo:

> "May it please the Court,
>
> 1. to find that the objections to jurisdiction and admissibility raised by Rwanda are unfounded;
> 2. consequently, to find that the Court has jurisdiction to entertain the case on the merits and that the Application of the Democratic Republic of the Congo is admissible as submitted;
> 3. to decide to proceed with the case on the merits."

one such State, been submitted to arbitration; and that, if the parties have been unable to agree on the organization of the arbitration, a period of six months has elapsed from the date of the request for arbitration. In order to determine whether it has jurisdiction under this provision, the Court must therefore first ascertain whether there is a dispute between the Parties relating to the interpretation or application of the Montreal Convention which could not have been settled by negotiation.

The Court observes in this regard that the DRC has not indicated to it which are the specific provisions of the Montreal Convention which could apply to its claims on the merits. In its Application the DRC confined itself to invoking that Convention in connection with the destruction shortly after take-off from Kindu Airport of a civil aircraft belonging to Congo Airlines. Even if it could be established that the facts cited by the DRC might, if proved, fall within the terms of the Convention and gave rise to a dispute between the Parties concerning its interpretation or application, and even if it could be considered that the discussions within the Council of the ICAO amounted to negotiations, the Court finds that, in any event, the DRC has failed to show that it satisfied the conditions required by Article 14, paragraph 1, of the Montreal Convention concerning recourse to arbitration: in particular, it has not shown that it made a proposal to Rwanda that arbitration proceedings should be organized, and that the latter failed to respond to that proposal.

The Court considers that Article 14, paragraph 1, of the Montreal Convention cannot therefore serve to found its jurisdiction in the present case.

(11) Article 66 of the Vienna Convention on the Law of Treaties (paras. 120-125)

To found the jurisdiction of the Court in the present case, the DRC relies finally on Article 66 of the Vienna Convention on the Law of Treaties, which provides *inter alia* that "[a]ny one of the parties to a dispute concerning the application or the interpretation of article 53 or 64", relating to conflicts between treaties and peremptory norms of general international law, "may, by a written application, submit it to the International Court of Justice for a decision unless the parties by common consent agree to submit the dispute to arbitration".

The Court recalls that the DRC explained at the hearings that Article 66 of the Vienna Convention on the Law of Treaties, to which Rwanda is a party, allows the Court to rule on any dispute concerning "the validity of a treaty which is contrary to a norm of *jus cogens*". In this regard the DRC argued that reservations to a treaty form an integral part thereof, and that they must accordingly "avoid either being in direct contradiction with a norm of *jus cogens*, or preventing the implementation of that norm". According to the DRC, Rwanda's reservation to Article IX of the Genocide Convention, as well as to "other similar provisions and compromissory clauses, seeks to prevent the Court from fulfilling its noble mission of safeguarding peremptory norms, including the prohibition of genocide", and must therefore be regarded as "null and void".

In reply to Rwanda's reliance at the hearings on Article 4 of the Vienna Convention, which provides that the Convention applies only to treaties which are concluded by States after its entry into force with regard to such States, the DRC contended that "the supremacy and mandatory force of the norms referred to in this Convention (Articles 53 and 64) bind States irrespective of any temporal consideration or any treaty-based link"; according to the DRC, the rule can therefore "have retroactive effect in the overriding interest of humanity".

The Court recalls that Article 4 of the Vienna Convention on the Law of Treaties provides for the non-retroactivity of that Convention in the following terms:

> "Without prejudice to the application of any rules set forth in the present Convention to which treaties would be subject under international law independently of the Convention, the Convention applies only to treaties which are concluded by States after the entry into force of the present Convention with regard to such States."

In this connection, the Court notes first that the Genocide Convention was adopted on 9 December 1948, the DRC and Rwanda having acceded to it on 31 May 1962 and 16 April 1975 respectively; and that the Convention on Racial Discrimination was adopted on 21 December 1965, the DRC and Rwanda having acceded on 21 April 1976 and 16 April 1975 respectively. The Court notes secondly that the Vienna Convention on the Law of Treaties entered into force between the DRC and Rwanda only on 3 February 1980, pursuant to Article 84, paragraph 2, thereof. The Conventions on Genocide and Racial Discrimination were concluded before the latter date. Thus in the present case the rules contained in the Vienna Convention are not applicable, save in so far as they are declaratory of customary international law. The Court considers that the rules contained in Article 66 of the Vienna Convention are not of this character. Nor have the two Parties otherwise agreed to apply Article 66 between themselves.

Finally, the Court deems it necessary to recall that the mere fact that rights and obligations *erga omnes* or peremptory norms of general international law *(jus cogens)* are at issue in a dispute cannot in itself constitute an exception to the principle that its jurisdiction always depends on the consent of the parties.

Lack of jurisdiction to entertain the Application; no need for the Court to rule on its admissibility (para. 126)

The Court concludes from all of the foregoing considerations that it cannot accept any of the bases of jurisdiction put forward by the DRC in the present case. Since it has no jurisdiction to entertain the Application, the Court is not required to rule on its admissibility.

On 3 February 2006, the Court delivered its
of the Court and admissibility of the Applic
p. 6), a summary of which is given below,
operative paragraph:

History of the proceedings and submissions of

The Court begins by reciting the histor
submissions of the Parties in the case.

Object of the present proceedings limited to
jurisdiction and the admissibility of the DR

The Court notes first of all that at the pres
it cannot consider any matter relating to the m
the DRC and Rwanda. In accordance with th
of 18 September 2002 (*I.C.J. Reports 2002*, p.
to address only the questions of whether i
dispute and whether the DRC's Application

Examination of the bases of jurisdiction
(paras. 15-125)

The Court begins its examination of the
forward by the DRC. It recalls the Parties' a
and reaches the following conclusions:

(1) 1984 Convention against Torture (para

The Court points out that it had noted
"is not, and never has been, party" to this
the DRC did not raise any argument in resp
Court accordingly concludes that the DR
Convention as a basis of jurisdiction.

(2) Convention on Privileges and Immuniti

The Court recalls that, in its Order of 10 Ju
p. 219), it stated that the DRC did not appe
of the Court on this Convention, and that th
required to take the instrument into conside
request for the indication of provisional measu
not sought to invoke this Convention in the p
ings, the Court does not take it into consider

(3) Forum prorogatum (paras. 19-22)

The DRC argues on this point that the will
a dispute to the Court may be apparent
declaration but also from any conclusive

Judgment on the jurisdiction
ation (*I.C.J. Reports 2006*,
ollowed by the text of the

the Parties (paras. 1-13)

y of the proceedings and

the questions of the Court's
C's Application (para. 14)

ent stage of the proceedings
nerits of the dispute between
e decision taken in its Order
299), the Court is required
t is competent to hear the
is admissible.

put forward by the DRC

11 bases of jurisdiction put
rguments in respect of them

. 16)

Rwanda's statement that it
Convention. Observing that
onse to this contention, the
RC cannot rely upon this

es (para. 17)

y 2002 (*I.C.J. Reports 2002*,
ar to found the jurisdiction
e Court was accordingly not
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conduct of the respondent State subsequent to seisin of the Court. In particular it contends that "the Respondent's agreement to plead implies that it accepts the Court's jurisdiction". For its part Rwanda contends that the DRC's argument is without foundation, since in this case there has been no "voluntary and indisputable acceptance of the Court's jurisdiction". Rwanda points out that it has, on the contrary, consistently asserted that the Court has no jurisdiction and that it has appeared solely for the purpose of challenging that jurisdiction.

In the present case the Court notes that Rwanda has expressly and repeatedly objected to its jurisdiction at every stage of the proceedings. Rwanda's attitude therefore cannot be regarded as "an unequivocal indication" of its desire to accept the jurisdiction of the Court in a "voluntary and indisputable" manner. The fact, as the DRC has pointed out, that Rwanda has "fully and properly participated in the different procedures in this case, without having itself represented or failing to appear", and that "it has not refused to appear before the Court or make submissions", cannot be interpreted as consent to the Court's jurisdiction over the merits, inasmuch as the very purpose of this participation was to challenge that jurisdiction.

(4) *Court's Order of 10 July 2002* (paras. 23-25)

To found the jurisdiction of the Court, the DRC also relies on one of the Court's findings in its Order of 10 July 2002, whereby it stated that, "in the absence of a manifest lack of jurisdiction, the Court cannot grant Rwanda's request that the case be removed from the List". In the DRC's view, this finding of an "absence of a manifest lack of jurisdiction" could be interpreted as an acknowledgement by the Court that it has jurisdiction. On this point, for its part Rwanda recalls that in this same Order the Court clearly stated that the findings reached by it at that stage in the proceedings in no way prejudged the question of its jurisdiction to deal with the merits of the case.

The Court observes on this subject that, given the urgency which, *ex hypothesi*, characterizes the consideration of requests for the indication of provisional measures, it does not normally at that stage take a definitive decision on its jurisdiction. It does so only if it is apparent from the outset that there is no basis on which jurisdiction could lie, and that it therefore cannot entertain the case. According to the Court, the fact that it did not conclude in its Order of 10 July 2002 that it manifestly lacked jurisdiction cannot therefore amount to an acknowledgment that it has jurisdiction. On the contrary, the Court points out that from the outset it had serious doubts regarding its jurisdiction to entertain the DRC's Application, for in that same Order it justified its refusal to indicate provisional measures by the lack of prima facie jurisdiction. In declining Rwanda's request to remove the case from the List, the Court simply reserved the right fully to examine further the issue of its jurisdiction at a later stage.

representing a State in specific fields may be authorized by that State to bind it by their statements in respect of matters falling within their purview. This may be true, for example, of holders of technical ministerial portfolios exercising powers in their field of competence in the area of foreign relations, and even of certain officials.

In this case, the Court notes first that Ms Mukabagwiza spoke before the United Nations Commission on Human Rights in her capacity as Minister of Justice of Rwanda and that she indicated *inter alia* that she was making her statement "on behalf of the Rwandan people". The Court further notes that the questions relating to the protection of human rights which were the subject of that statement fall within the purview of a Minister of Justice. It is the Court's view that the possibility cannot be ruled out in principle that a Minister of Justice may, under certain circumstances, bind the State he or she represents by his or her statements.

In order to determine the legal effect of that statement, the Court examines its actual content as well as the circumstances in which it was made. The Court recalls that a statement of this kind can create legal obligations only if it is made in clear and specific terms. The Court observes that in her statement the Minister of Justice of Rwanda did not refer explicitly to the reservation made by Rwanda to Article IX of the Genocide Convention. The statement merely raises in general terms the question of Rwandan reservations and simply indicates that "past reservations not yet withdrawn will shortly be withdrawn", without setting out any precise time-frame for such withdrawals. It follows that the statement was not made in sufficiently specific terms in relation to the particular question of the withdrawal of reservations. Given the general nature of its wording, the statement cannot therefore be considered as confirmation by Rwanda of a previous decision to withdraw its reservation to Article IX of the Genocide Convention, or as any sort of unilateral commitment on its part having legal effects in regard to such withdrawal; at most, it can be interpreted as a declaration of intent, very general in scope.

The Court lastly addresses Rwanda's argument that the statement by its Minister of Justice could not in any event have any implications for the question of the Court's jurisdiction in this case, since it was made nearly three years after the institution of the proceedings. In this connection, the Court recalls that it has consistently held that, while its jurisdiction must surely be assessed on the date of the filing of the act instituting proceedings, the Court should not, however, penalize a defect in procedure which the Applicant could easily remedy. In the present case, if the Rwandan Minister's statement had somehow entailed the withdrawal of Rwanda's reservation to Article IX of the Genocide Convention in the course of the proceedings, the DRC could on its own initiative have remedied the procedural defect in its original Application by filing a new Application. This argument by Rwanda must accordingly be rejected.

The Court then turns to the DRC's argument that Rwanda's reservation is invalid. In order to show that Rwanda's reservation is invalid, the

DRC maintains that the Genocide Convention has "the force of general law with respect to all States" including Rwanda, inasmuch as it contains norms of *jus cogens*. Rwanda observes *inter alia* that, although, as the DRC contends, the norms codified in the substantive provisions of the Genocide Convention have the status of *jus cogens* and create rights and obligations *erga omnes*, that does not in itself suffice to "confer jurisdiction on the Court with respect to a dispute concerning the application of those rights and obligations".

The Court reaffirms in this regard that "the principles underlying the [Genocide] Convention are principles which are recognized by civilized nations as binding on States, even without any conventional obligation" and that a consequence of that conception is "the universal character both of the condemnation of genocide and of the co-operation required 'in order to liberate mankind from such an odious scourge' (Preamble to the Convention)". It follows that "the rights and obligations enshrined by the Convention are rights and obligations *erga omnes*". The Court observes, however, as it has already had occasion to emphasize, that "the *erga omnes* character of a norm and the rule of consent to jurisdiction are two different things", and that the mere fact that rights and obligations *erga omnes* may be at issue in a dispute would not give the Court jurisdiction to entertain that dispute. The same applies to the relationship between peremptory norms of general international law *(jus cogens)* and the establishment of the Court's jurisdiction: the fact that a dispute relates to compliance with a norm having such a character, which is assuredly the case with regard to the prohibition of genocide, cannot of itself provide a basis for the jurisdiction of the Court to entertain that dispute. Under the Court's Statute that jurisdiction is always based on the consent of the parties. The Court adds that Rwanda's reservation to Article IX of the Genocide Convention bears on the jurisdiction of the Court, and does not affect substantive obligations relating to acts of genocide themselves under that Convention. In the circumstances of the present case, the Court cannot conclude that Rwanda's reservation, which is meant to exclude a particular method of settling a dispute relating to the interpretation, application or fulfilment of the Convention, is to be regarded as being incompatible with the object and purpose of the Convention. The Court further notes that, as a matter of the law of treaties, when Rwanda acceded to the Genocide Convention and made the reservation in question, the DRC made no objection to it.

The Court concludes from the foregoing that, having regard to Rwanda's reservation to Article IX of the Genocide Convention, this Article cannot constitute a basis for jurisdiction in the present case.

(6) Article 22 of the Convention on Racial Discrimination (paras. 71-79)

The Court notes that both the DRC and Rwanda are parties to the Convention on Racial Discrimination, the DRC having acceded thereto on 21 April 1976 and Rwanda on 16 April 1975. Rwanda's instrument of accession to the Convention, as deposited with the United Nations Secretary-General, does however include a reservation reading as follows: "The Rwandese Republic does not consider itself as bound by article 22 of the Convention". Under that article:

> "Any dispute between two or more States Parties with respect to the interpretation or application of this Convention, which is not settled by negotiation or by the procedures expressly provided for in this Convention, shall, at the request of any of the parties to the dispute, be referred to the International Court of Justice for decision, unless the disputants agree to another mode of settlement."

The Court first addresses the DRC's argument that the reservation has "lapsed or fallen into desuetude as a result of the undertaking, enshrined in the Rwandan Fundamental Law, to 'withdraw all reservations entered by Rwanda when it adhered to international instruments'" relating to human rights. Without prejudice to the applicability *mutatis mutandis* to the Convention on Racial Discrimination of the Court's reasoning and conclusions in respect of the DRC's claim that Rwanda withdrew its reservation to the Genocide Convention, the Court observes that the procedures for withdrawing a reservation to the Convention on Racial Discrimination are expressly provided for in Article 20, paragraph 3, of that Convention, which states: "Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General. Such notification shall take effect on the date on which it is received." However, there is no evidence before the Court of any notification by Rwanda to the United Nations Secretary-General of its intention to withdraw its reservation. The Court accordingly concludes that the respondent State has maintained that reservation.

Regarding the DRC's argument that the reservation is invalid, the Court notes that the Convention on Racial Discrimination prohibits reservations incompatible with its object and purpose. The Court observes in this connection that, under Article 20, paragraph 2, of the Convention, "[a] reservation shall be considered incompatible if at least two-thirds of the States Parties to [the] Convention object to it". The Court notes, however, that such has not been the case as regards Rwanda's reservation in respect of the Court's jurisdiction. Without prejudice to the applicability *mutatis mutandis* to Rwanda's reservation to Article 22 of the Convention on Racial Discrimination of the Court's reasoning and conclusions in respect of Rwanda's reservation to Article IX of the Genocide Convention, the Court is of the view that Rwanda's reservation to Article 22 cannot therefore be regarded as incompatible with that Convention's object and purpose. The Court observes, moreover, that the DRC itself raised no objection to the reservation when it acceded to the Convention.

In relation to the DRC's argument that the reservation is without legal effect because, on the one hand, the prohibition on racial discrimination is a peremptory norm of general international law and, on the other, such a reservation is in conflict with a peremptory norm, the Court refers to its reasoning when dismissing the DRC's similar argument in regard to Rwanda's reservation to Article IX of the Genocide Convention.

The Court concludes from the foregoing that, having regard to Rwanda's reservation to Article 22 of the Convention on Racial Discrimination, this instrument cannot constitute a basis for jurisdiction in the present case.

(7) *Article 29, paragraph 1, of the Convention on Discrimination against Women* (paras. 80-93)

The Court notes that both the DRC and Rwanda are parties to the Convention on Discrimination against Women, the DRC having ratified it on 17 October 1986 and Rwanda on 2 March 1981. It also notes that Article 29 of this Convention gives the Court jurisdiction in respect of any dispute between States parties concerning its interpretation or application, on condition that: it has not been possible to settle the dispute by negotiation; that, following the failure of negotiations, the dispute has, at the request of one such State, been submitted to arbitration; and that, if the parties have been unable to agree on the organization of the arbitration, a period of six months has elapsed from the date of the request for arbitration.

In the view of the Court, it is apparent from the language of Article 29 of the Convention that these conditions are cumulative. It must therefore consider whether the preconditions on its seisin set out in the said Article 29 have been satisfied in this case.

The Court however first addresses the DRC's argument that the objection based on non-fulfilment of the preconditions set out in the compromissory clauses, and in particular in Article 29 of the Convention, is an objection to the admissibility of its Application rather than to the jurisdiction of the Court. The Court recalls in this regard that its jurisdiction is based on the consent of the parties and is confined to the extent accepted by them. When that consent is expressed in a compromissory clause in an international agreement, any conditions to which such consent is subject must be regarded as constituting the limits thereon. The Court accordingly considers that the examination of such conditions relates to its jurisdiction and not to the admissibility of the application. It follows that in the present case the conditions for seisin of the Court set out in Article 29 of the Convention on Discrimination against Women must be examined in the context of the issue of the Court's jurisdiction. This conclusion applies *mutatis mutandis* to all of the other compromissory clauses invoked by the DRC.

The Court then considers whether in this case there exists a dispute between the Parties "concerning the interpretation or application of [that] Convention" which could not have been settled by negotiation. It notes that the DRC made numerous protests against Rwanda's actions in alleged violation of international human rights law, both at the bilateral level through direct contact with Rwanda and at the multilateral level within the framework of international institutions such as the United Nations Security Council and the Commission on Human and Peoples' Rights of the Organization of African Unity. The Court recalls that, in its Counter-Memorial and at the hearings, the DRC presented these protests as proof that "the DRC has satisfied the preconditions to the seisin of the Court in the compromissory clauses invoked". Whatever may be the legal characterization of such protests as regards the requirement of the existence of a dispute between the DRC and Rwanda for purposes of Article 29 of the Convention, that Article requires also that any such dispute be the subject of negotiations. The Court states that the evidence has not satisfied it that the DRC in fact sought to commence negotiations in respect of the interpretation or application of the Convention.

It adds that the DRC has also failed to prove any attempts on its part to initiate arbitration proceedings with Rwanda and that the Court cannot accept the DRC's argument that the impossibility of opening or advancing in negotiations with Rwanda prevented it from contemplating having recourse to arbitration; since this is a condition formally set out in Article 29 of the Convention on Discrimination against Women, the lack of agreement between the parties as to the organization of an arbitration cannot be presumed. The existence of such disagreement can follow only from a proposal for arbitration by the applicant, to which the respondent has made no answer or which it has expressed its intention not to accept. The Court has found nothing in the file which would enable it to conclude that the DRC made a proposal to Rwanda that arbitration proceedings should be organized, and that the latter failed to respond to that proposal.

It follows from the foregoing that Article 29, paragraph 1, of the Convention on Discrimination against Women cannot serve to found the jurisdiction of the Court in the present case.

(8) Article 75 of the WHO Constitution (paras. 94-101)

The Court observes that the DRC has been a party to the WHO Constitution since 24 February 1961 and Rwanda since 7 November 1962 and that both are thus members of that Organization. The Court further notes that Article 75 of the WHO Constitution provides for the Court's jurisdiction, under the conditions laid down therein, over "any question or dispute concerning the interpretation or application" of that instrument. The Article requires that a question or dispute must specifically concern the interpretation or application of the Constitution. In the opinion of the Court, the DRC has not shown that there was a question concerning the interpretation or application of the WHO Constitution on which itself and Rwanda had opposing views, or that it had a dispute with that State in regard to this matter.

The Court further notes that, even if the DRC had demonstrated the existence of a question or dispute falling within the scope of Article 75 of the WHO Constitution, it has not proved that the other preconditions for seisin of the Court established by that provision have been satisfied, namely that it attempted to settle the question or dispute by negotiation with Rwanda or that the World Health Assembly had been unable to settle it.

The Court accordingly concludes that Article 75 of the WHO Constitution cannot serve to found its jurisdiction in the present case.

(9) Article XIV, paragraph 2, of the Unesco Constitution (paras. 102-109)

The Court notes that both the DRC and Rwanda are parties to the Unesco Constitution and have been since 25 November 1960 in the case of the DRC and 7 November 1962 in the case of Rwanda, and that both are thus members of that Organization. The Court further observes that Article XIV, paragraph 2, of the Unesco Constitution provides for the referral, under the conditions established therein, of questions or disputes concerning the Constitution, but only in respect of its interpretation. The Court considers that such is not the object of the DRC's Application. It finds that the DRC has in this case invoked the Unesco Constitution and Article I thereof for the sole purpose of maintaining that "[o]wing to the war", it "today is unable to fulfil its missions within Unesco". The Court is of the opinion that this is not a question or dispute concerning the interpretation of the Unesco Constitution. Thus the DRC's Application does not fall within the scope of Article XIV of the Constitution.

The Court further considers that, even if the existence of a question or dispute falling within the terms of the above provision were established, the DRC has failed to show that the prior procedure for seisin of the Court pursuant to that provision and to Article 38 of the Rules of Procedure of the Unesco General Conference was followed.

The Court accordingly concludes that Article XIV, paragraph 2, of the Unesco Constitution cannot found its jurisdiction in the present case.

(10) Article 14, paragraph 1, of the Montreal Convention (paras. 110-119)

The Court notes that both the DRC and Rwanda are parties to the Montreal Convention and have been since 6 July 1977 in the case of the DRC and 3 November 1987 in the case of Rwanda, that both are members of the ICAO, and that the Montreal Convention was already in force between them at the time when the Congo Airlines aircraft is stated to have been destroyed above Kindu, on 10 October 1998, and when the Application was filed, on 28 May 2002. The Court also notes that Article 14, paragraph 1, of the Montreal Convention gives the Court jurisdiction in respect of any dispute between Contracting States concerning the interpretation or application of the Convention, on condition that: it has not been possible to settle the dispute by negotiation; that, following the failure of negotiations, the dispute has, at the request of

(5) Article IX of the Genocide Convention (paras. 28-70)

The Court notes that both the DRC and Rwanda are parties to th Genocide Convention, the DRC having acceded on 31 May 1962 an Rwanda on 16 April 1975. The Court observes, however, that Rwanda instrument of accession to the Convention, as deposited with th Secretary-General of the United Nations, contains a reservation worde as follows: "The Rwandese Republic does not consider itself as boun by Article IX of the Convention." Article IX provides:

> "Disputes between the Contracting Parties relating to th interpretation, application or fulfilment of the present Conventio including those relating to the responsibility of a State for genocid or for any of the other acts enumerated in article III, shall b submitted to the International Court of Justice at the request of an of the parties to the dispute."

The Court also notes that the Parties take opposing views on tw questions: first, on whether, in adopting "*Décret-loi* No. 014/01 15 February 1995 withdrawing all reservations entered by the Rwandes Republic at the accession, approval and ratification of internation instruments", Rwanda effectively withdrew its reservation to Article I of the Genocide Convention and, secondly, on the question of the leg effect of the statement by Rwanda's Minister of Justice at the Sixty-fir Session of the United Nations Commission on Human Rights, accordir to which, "[t]he few [human rights] instruments not yet ratified" b Rwanda at that date "will shortly be ratified" and reservations "not y withdrawn will shortly be withdrawn".

In regard to the first question, the Court notes that *décret-l* No. 014/01 was adopted on 15 February 1995 by the President of th Rwandese Republic following an Opinion of the Council of Ministe and was countersigned by the Prime Minister and Minister of Justice the Rwandese Republic. Article 1 of this *décret-loi*, which contains thr articles, provides that "[a]ll reservations entered by the Rwandes Republic in respect of the accession, approval and ratification of inte national instruments are withdrawn"; Article 2 states that "[a]ll pri provisions contrary to the present *décret-loi* are abrogated"; whi Article 3 provides that "[t]his *décret-loi* shall enter into force on the da of its publication in the Official Journal of the Rwandese Republic". Th *décret-loi* was published in the Official Journal of the Rwandese Republ and entered into force.

The validity of this *décret-loi* under Rwandan domestic law has bee denied by Rwanda. However, in the Court's view the question of th validity and effect of the *décret-loi* within the domestic legal order Rwanda is different from that of its effect within the international leg order. Thus a clear distinction has to be drawn between a decision t withdraw a reservation to a treaty taken within a State's domestic leg order and the implementation of that decision by the competent nation authorities within the international legal order, which can be effected only by notification of withdrawal of the reservation to the other States parties to the treaty in question. It is a rule of international law, deriving from the principle of legal security and well established in practice, that, subject to agreement to the contrary, the withdrawal by a Contracting State of a reservation to a multilateral treaty takes effect in relation to the other Contracting States only when they have received notification thereof. This rule is expressed in Article 22, paragraph 3 *(a)*, of the Vienna Convention on the Law of Treaties.

The Court observes that in this case it has not been shown that Rwanda notified the withdrawal of its reservations to the other States parties to the "international instruments" referred to in Article 1 of *décret-loi* No. 014/01, and in particular to the States parties to the Genocide Convention. Nor has it been shown that there was any agreement whereby such withdrawal could have become operative without notification. In the Court's view, the adoption of that *décret-loi* and its publication in the Official Journal of the Rwandese Republic cannot in themselves amount to such notification. In order to have effect in international law, the withdrawal would have had to be the subject of a notice received at the international level.

The Court notes that, as regards the Genocide Convention, the Government of Rwanda has taken no action at international level on the basis of the *décret-loi*. It observes that this Convention is a multilateral treaty whose depositary is the Secretary-General of the United Nations, and it considers that it was normally through the latter that Rwanda should have notified withdrawal of its reservation. The Court notes that it has no evidence that Rwanda sent any such notice to the Secretary-General.

The Court finds that the adoption and publication of *décret-loi* No. 014/01 of 15 February 1995 by Rwanda did not, as a matter of international law, effect a withdrawal by that State of its reservation to Article IX of the Genocide Convention.

In respect of the second question, that of the legal effect of the statement made on 17 March 2005 by Ms Mukabagwiza, Minister of Justice of Rwanda, the Court begins by examining Rwanda's argument that it cannot be legally bound by the statement in question inasmuch as a statement made not by a Foreign Minister or a Head of Government "with automatic authority to bind the State in matters of international relations, but by a Minister of Justice, cannot bind the State to lift a particular reservation". In this connection, the Court observes that, in accordance with its consistent jurisprudence, it is a well-established rule of international law that the Head of State, the Head of Government and the Minister for Foreign Affairs are deemed to represent the State merely by virtue of exercising their functions, including for the performance, on behalf of the said State, of unilateral acts having the force of international commitments. The Court notes, however, that with increasing frequency in modern international relations other persons

Fundamental distinction between the acceptance by States of the Court's jurisdiction and the conformity of their acts with international law (para. 127)

While the Court has come to the conclusion that it cannot accept any of the grounds put forward by the DRC to establish its jurisdiction in the present case, and cannot therefore entertain the latter's Application, it stresses that it has reached this conclusion solely in the context of the preliminary question of whether it has jurisdiction in this case – the issue to be determined at this stage of the proceedings. The Court is precluded by its Statute from taking any position on the merits of the claims made by the DRC. However, as the Court has stated on numerous previous occasions, there is a fundamental distinction between the question of the acceptance by States of the Court's jurisdiction and the conformity of their acts with international law. Whether or not States have accepted the jurisdiction of the Court, they are required to fulfil their obligations under the United Nations Charter and the other rules of international law, including international humanitarian and human rights law, and they remain responsible for acts attributable to them which are contrary to international law.

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Operative paragraph (para. 128)

> "For these reasons,
>
> THE COURT,
>
> By fifteen votes to two,
>
> *Finds* that it has no jurisdiction to entertain the Application filed by the Democratic Republic of the Congo on 28 May 2002.
>
> IN FAVOUR: *President* Shi; *Vice-President* Ranjeva; *Judges* Vereshchetin, Higgins, Parra-Aranguren, Kooijmans, Rezek, Al-Khasawneh, Buergenthal, Elaraby, Owada, Simma, Tomka, Abraham; *Judge* ad hoc Dugard;
>
> AGAINST: *Judge* Koroma; *Judge* ad hoc Mavungu."

*

Judge Koroma appended a dissenting opinion to the Judgment of the Court; Judges Higgins, Kooijmans, Elaraby, Owada and Simma appended a joint separate opinion; Judge Kooijmans appended a declaration; Judge Al-Khasawneh appended a separate opinion; Judge Elaraby appended a declaration; Judge *ad hoc* Dugard appended a separate opinion; Judge *ad hoc* Mavungu appended a dissenting opinion.

9. Certain Criminal Proceedings in France (Republic of the Congo v. *France)*

On 9 December 2002, the Republic of the Congo filed an Application instituting proceedings against France seeking the annulment of the investigation and prosecution measures taken by the French judicial authorities further to a complaint for crimes against humanity and torture filed by various associations against the President of the Republic of the Congo, Mr. Denis Sassou Nguesso, the Congolese Minister of the Interior, Mr. Pierre Oba, and other individuals including General Norbert Dabira, Inspector-General of the Congolese Armed Forces. The Application further stated that, in connection with these proceedings, an investigating judge of the Meaux *tribunal de grande instance* had issued a warrant for the President of the Republic of the Congo to be examined as witness.

The Republic of the Congo contended that by

> "attributing to itself universal jurisdiction in criminal matters and by arrogating to itself the power to prosecute and try the Minister of the Interior of a foreign State for crimes allegedly committed by him in connection with the exercise of his powers for the maintenance of public order in his country",

France violated "the principle that a State may not, in breach of the principle of sovereign equality among all Members of the United Nations . . . exercise its authority on the territory of another State". The Republic of the Congo further submitted that, in issuing a warrant instructing police officers to examine the President of the Republic of the Congo as witness in the case, France violated "the criminal immunity of a foreign Head of State, an international customary rule recognized by the jurisprudence of the Court".

In its Application, the Republic of the Congo indicated that it sought to found the jurisdiction of the Court, pursuant to Article 38, paragraph 5, of the Rules of Court, "on the consent of the French Republic, which will certainly be given". In accordance with this provision, the Application by the Republic of the Congo was transmitted to the French Government and no action was taken in the proceedings.

By a letter dated 8 April 2003 and received on 11 April 2003 in the Registry, the French Republic stated that it "consent[ed] to the jurisdiction of the Court to entertain the Application pursuant to Article 38, paragraph 5". This consent made it possible to enter the case in the Court's List and to open the proceedings. In its letter, France added that its consent to the Court's jurisdiction applied strictly within the limits "of the claims formulated by the Republic of the Congo" and that

> "Article 2 of the Treaty of Co-operation signed on 1 January 1974 by the French Republic and the People's Republic of the Congo, to which the latter refers in its Application, does not constitute a basis of jurisdiction for the Court in the present case".

During the triennial election for five seats on the Court, held on 7 November 2005, the General Assembly and Security Council re-elected one sitting Member of the Court and elected four new Members for a term of nine years beginning on 6 February 2006 (see p. 17 above).

The four new judges made the solemn declaration required by the Statute and Rules of Court on 27 February 2006, at a public sitting prior to the opening of the hearings in the case concerning the *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina* v. *Serbia and Montenegro).*

(b) *The Presidency*

(Statute, Art. 21, para. 1; Rules, Arts. 10, 11, 12 and 31)

On 6 February 2006 the Court elected its President and Vice-President for a term of three years (see p. 17 above).

On several occasions the President convened meetings with the Agents of the Parties in the cases pending before the Court in order to ascertain the views of those Parties with regard to questions of procedure.

(c) *Non-participation of a judge in a case*

(Statute, Arts. 23, para. 3, and 24, para. 1; Rules, Art. 20, para. 2)

One Member of the Court informed the President that he considered he should not take part in the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina* v. *Serbia and Montenegro).*

In the case concerning *Pulp Mills on the River Uruguay (Argentina* v. *Uruguay)*, two Members of the Court did not take part in the hearings concerning Argentina's request for provisional measures for serious reasons they duly informed the Court of. Consequently, they did not participate in the making of the decision of the Court on this request.

Another Member of the Court was unable to attend all of the hearings but has taken part in the deliberations and final vote.

(d) *Judges ad hoc*

(Statute, Arts. 20 and 31, paras. 3 and 6; Rules, Arts. 4, 8 and 35)

The judge *ad hoc* chosen by Nicaragua in the case concerning *Territorial and Maritime Dispute (Nicaragua* v. *Colombia)* resigned on 2 May 2006. At the time of the preparation of this *Yearbook*, Nicaragua had not chosen a new judge *ad hoc* to replace him.

In the cases concerning *Maritime Delimitation in the Black Sea (Romania* v. *Ukraine)*, *Dispute regarding Navigational and Related Rights (Costa Rica* v. *Nicaragua)* and *Pulp Mills on the River Uruguay (Argentina* v. *Uruguay)*, the applicant and respondent States exercised their right to choose a judge *ad hoc.*

The judge *ad hoc* chosen by the applicant State in the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina* v. *Serbia and Montenegro)* made the solemn declaration required by the Statute and Rules of the Court at the opening of the hearings on the merits of the case.

The judges *ad hoc* chosen in the case concerning *Pulp Mills on the River Uruguay (Argentina* v. *Uruguay)* made the solemn declaration required by the Statute and Rules of Court at the opening of the hearings on the request for the indication of provisional measures submitted by the Applicant.

(e) *Chamber of Summary Procedure*

(Statute, Art. 29)

During the period under review the Court composed the Chamber of Summary Procedure, consisting of five judges and two substitute judges.

(f) *Chamber for Environmental Matters*

(Statute, Art. 26, para. 1)

During the period under review the Court decided not to hold elections for the Bench for the Chamber for Environmental Matters established in 1993.

2. *Jurisdiction of the Court*

General

(Statute, Art. 36; Rules, Art. 80)

In its Judgment of 19 December 2005 in the case concerning *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo* v. *Uganda)*, the Court stated that, in order to found its jurisdiction, the Application relied on the declarations made by the two Parties accepting the Court's compulsory jurisdiction under Article 36, paragraph 2, of the Statute of the Court.

In its Judgment of 3 February 2006 in the case concerning *Armed Activities on the Territory of the Congo (New Application: 2002) (Democratic Republic of the Congo* v. *Rwanda)*, the Court first noted that, in accordance with its Order of 18 September 2002, it was only required to address the questions of whether it was competent to hear the dispute and whether the Application was admissible. It examined the eleven bases of jurisdiction put forward by the Applicant and concluded that none of these could be upheld. The Court accordingly found that it had no jurisdiction to entertain the Application. Consequently, the Court was not required to rule on the admissibility of the Application. With regard to the consideration of the Court on these matters, (see pages 256-270 above).

In the case concerning *Maritime Delimitation between Nicaragua and Honduras in the Caribbean Sea (Nicaragua* v. *Honduras)* copies of the pleadings and documents annexed thereto have been made available to two States entitled to appear before the Court. A third State entitled to appear before the Court also asked to be furnished with copies of the said documents. After ascertaining the views of the Parties, the Court decided that it was not appropriate to grant that request.

(f) *Accessibility of pleadings to the public*
(Rules, Art. 53, para. 2)

In the cases concerning *Pulp Mills on the River Uruguay (Argentina* v. *Uruguay)* and *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina* v. *Serbia and Montenegro)*, the Court, having consulted the Parties, decided that copies of the pleadings and documents annexed would be made accessible to the public on the opening of the oral proceedings.

(g) *Oral proceedings*
(Statute, Arts. 43, 45, 46 and 51; Rules, Arts. 54, 57, 58, 59, 60, para. 1, 63, para. 1, 64, 65, 70 and 71)

The hearings on the request for the indication of provisional measures instituted by the applicant Party in the case concerning *Pulp Mills on the River Uruguay (Argentina* v. *Uruguay)* consisted of two rounds of oral arguments, in which both Parties participated.

The hearings in the case concerning *Application of the Convention for the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina* v. *Serbia and Montenegro)* consisted of two rounds of oral arguments in which both Parties participated. During the hearings the Court heard witnesses, experts and witness-experts from both the applicant and respondent Parties. The hearings were conducted in the following manner: making of a declaration by every witness, expert and witness-expert before the giving of evidence; examination by the Party calling the witness; cross-examination by the other Party; re-examination by the Party calling the witness; questions by Members of the Court. Some witnesses, experts and witness-experts testified in Serbo-Croat. Their testimony was interpreted consecutively into French or English. All witnesses, experts and witness-experts were shown copies of the parts of the transcripts relevant to their testimony.

(h) *Questions by Judges*
(Statute, Art. 45; Rules, Arts. 61 and 65)

During the hearings in the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina* v. *Serbia and Montenegro)*, Members of the Court posed questions to both Parties. The replies to these questions were given orally and in writing. Some Members of the Court also posed questions to experts called by the applicant Party and to witnesses and witness-experts called by the respondent Party. Replies were given orally.

(i) *Final submissions*
(Rules, Art. 60, para. 2)

In the second round of oral arguments concerning the request for the indication of provisional measures submitted by the Applicant in the case concerning *Pulp Mills on the River Uruguay (Argentina* v. *Uruguay)*, the Agents of the Parties read the final submissions of their Governments, which they also submitted in writing.

In the second round of oral arguments in the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina* v. *Serbia and Montenegro)*, the Agents of the Parties read the final submissions of their Governments, which they also submitted in writing.

(j) *Provisional measures*
(Statute, Art. 41; Rules, Arts. 73 and 74)

In the case concerning *Pulp Mills on the River Uruguay (Argentina* v. *Uruguay)*, the applicant Party made a request for the indication of provisional measures (see p. 276 above).

The Court later held hearings on the request, at which both Parties presented oral observations. After the conclusion of those hearings, the Court made an Order in which it found that "the circumstances, as they now present themselves to the Court, are not such as to require the exercise of its power under Article 41 of the Statute to indicate provisional measures".

(k) *Counter-claims*
(Rules, Art. 80)

In its Judgment of 19 December 2005 in the case concerning *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo* v. *Uganda)*, the Court ruled on counter-claims submitted by the respondent State. The Court recalled that, by an Order of 29 November 2001, it had found the first and second counter-claims to be admissible as they related to facts of the same nature and formed part of the same factual complex as the Applicant's claims and that both Parties were moreover pursuing the same legal aims. By contrast the Court had found that the Respondent's third counter-claim was inadmissible as such, since it was not directly connected with the subject-matter of the Applicant's claims.

The Applicant argued that the joinder of the Respondent's first and second counter-claims to the proceedings did not imply that preliminary objections could not be raised against them, while the respondent Party

The Application of the Republic of the Congo was accompanied by a request for the indication of a provisional measure "seek[ing] an order for the immediate suspension of the proceedings being conducted by the investigating judge of the Meaux *Tribunal de grande instance*".

Taking into account the consent given by France and in accordance with Article 74, paragraph 3, of the Rules of Court, the President of the Court fixed 28 April 2003 as the date for the opening of the public hearings on the request for the indication of a provisional measure submitted by the Republic of the Congo.

After those hearings had been held, from 28 to 29 April 2003, the President of the Court, on 17 June 2003, read the Order (*I.C.J. Reports 2003*, p. 102), by which the Court found, by fourteen votes to one, that the circumstances, as they presented themselves to the Court, were not such as to require the exercise of its power under Article 41 of the Statute to indicate provisional measures.

Judges Koroma and Vereshchetin appended a joint separate opinion to the Order, and Judge *ad hoc* de Cara a dissenting opinion.

By an Order of 11 July 2003 (*I.C.J. Reports 2003*, p. 143), the President of the Court fixed 11 December 2003 as the time-limit for the Memorial of the Republic of the Congo and 11 May 2004 as the time-limit for the Counter-Memorial of France. The Memorial and the Counter-Memorial were duly filed within the time-limits fixed.

By an Order of 17 June 2004 (*I.C.J. Reports 2004*, p. 130), the Court, taking account of the agreement of the Parties and of the particular circumstances of the case, authorized the submission of a Reply by the Republic of the Congo and a Rejoinder by France, and fixed 10 December 2004 and 10 June 2005 as the respective time-limits for the filing of those pleadings.

By Orders of 8 and 29 December 2004 (*I.C.J. Reports 2004*, pp. 276 and 1452), 11 July 2005 (*I.C.J. Reports 2005*, p. 87) and 11 January 2006 (*I.C.J. Reports 2006*, p. 3), the President of the Court, taking account of the reasons given by the Republic of the Congo and of the agreement of the Parties, successively extended these time-limits to, respectively, 10 January and 10 August 2005, then to 11 July 2005 and 11 August 2006, then to 11 January 2006 and 10 August 2007, and finally to 11 July 2006 and 11 August 2008. The Reply was filed within the time-limit as so extended.

10. Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge (Malaysia/Singapore)

On 24 July 2003 Malaysia and Singapore jointly notified the Court of a Special Agreement which was signed between them on 6 February 2003 at Putrajaya and entered into force on 9 May 2003.

In Article 2 of that Special Agreement, the Parties requested the Court

> "to determine whether sovereignty over:
>
> *(a)* Pedra Branca/Pulau Batu Puteh;

(b) Middle Rocks;
(c) South Ledge,

belongs to Malaysia or the Republic of Singapore".

In Article 6, the Parties "agree to accept the Judgment of the Court . . . as final and binding upon them".

The Parties further set out their views on the procedure to be followed.

By an Order of 1 September 2003 (*I.C.J. Reports 2003*, p. 146), the President of the Court, taking into account the provisions of Article 4 of the Special Agreement, fixed 25 March 2004 and 25 January 2005 as the respective time-limits for the filing, by each of the Parties, of a Memorial and of a Counter-Memorial. The Memorials and Counter-Memorials were duly filed within the time-limits fixed.

By an Order of 1 February 2005 (*I.C.J. Reports 2005*, p. 3), the Court, taking into account the provisions of the Special Agreement, fixed 25 November 2005 as the time-limit for the filing of a Reply by each of the Parties.

The Replies were duly filed within the time-limit fixed. By a joint letter of 23 January 2006 the Parties informed the Court that they had agreed that there was no need for an exchange of Rejoinders in the case. The Court itself subsequently decided that no further pleadings were necessary, and that the written proceedings were accordingly closed.

11. Maritime Delimitation in the Black Sea (Romania v. *Ukraine)*

On 16 September 2004, Romania filed an Application instituting proceedings against Ukraine in respect of a dispute concerning

> "the establishment of a single maritime boundary between the two States in the Black Sea, thereby delimiting the continental shelf and the exclusive economic zones appertaining to them".

In its Application Romania explained that, "following a complex process of negotiations", Ukraine and itself signed on 2 June 1997 a Treaty on Relations of Co-operation and Good-Neighbourliness, and concluded an Additional Agreement by exchange of letters between their respective Ministers for Foreign Affairs. Both instruments entered into force on 22 October 1997. By these agreements,

> "the two States assumed the obligation to conclude a Treaty on the State Border Régime between them, as well as an Agreement for the delimitation of the continental shelf and the exclusive economic zones . . . in the Black Sea".

At the same time,

> "the Additional Agreement provided for the principles to be applied in the delimitation of the above-mentioned areas, and set out the commitment of the two countries that the dispute could be submitted to the ICJ, subject to the fulfilment of certain conditions".

3. *Contentious Procedure*

(a) *Institution of proceedings*

(Statute, Art. 40; Rules, Arts. 38 and 42)

Proceedings were instituted by means of an Application in the following cases: *Dispute regarding Navigational and Related Rights (Costa Rica* v. *Nicaragua)*, *Status vis-à-vis the Host State of a Diplomatic Envoy to the United Nations (Commonwealth of Dominica* v. *Switzerland)*, *Pulp Mills on the River Uruguay (Argentina* v. *Uruguay)* and *Certain Questions of Mutual Assistance in Criminal Matters (Djibouti* v. *France)*. The Registrar proceeded with the requisite communications, in conformity with the Statute and the Rules of Court.

(b) *Number of pleadings and fixing or extension of time-limits*

(Statute, Arts. 43 and 48; Rules, Arts. 31, 44, 45 and 48)

In the cases concerning *Dispute regarding Navigational and Related Rights (Costa Rica* v. *Nicaragua)* and *Pulp Mills on the River Uruguay (Argentina* v. *Uruguay)*, the Court fixed time-limits for the filing of the Applicant's Memorial and the Respondent's Counter-Memorial.

In the case concerning *Certain Criminal Proceedings in France (Republic of the Congo* v. *France)* the Court further extended the time-limits for the submission of a Reply by the applicant Party and a Rejoinder by the respondent Party.

In the case concerning *Maritime Delimitation in the Black Sea (Romania* v. *Ukraine)*, the Court authorized the submission of a Reply by the applicant Party and a Rejoinder by the respondent Party and fixed the time-limits for the filing of those written pleadings.

(c) *Filing of pleadings*

(Rules, Arts. 45 and 50)

In the case concerning *Certain Criminal Proceedings in France (Republic of the Congo* v. *France)* the Reply of the applicant Party was filed within the time-limit as extended by the Court.

In the case concerning *Maritime Delimitation in the Black Sea (Romania* v. *Ukraine)*, the Memorial of the applicant Party and the Counter-Memorial of the respondent Party were filed within the time-limits fixed.

Certified copies of all of these pleadings were communicated to the other Party in each of the cases.

(d) *Presentation of new documents*

(Statute, Arts. 49 and 52; Rules, Arts. 56, 57 and 62)

In the case concerning *Application of the Convention for the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina* v. *Serbia and Montenegro)*, the applicant Party, by a letter dated 28 December 2005, requested the Court to call upon the respondent Party to produce a certain number of documents. Having ascertained the views of the Parties, the Registrar informed them by a letter dated 2 February 2006 that the Court had decided at this stage of the proceedings not to call upon the Respondent to produce the documents. It did however reserve its right to request *proprio motu* the production of the said documents.

By a letter dated 16 January 2006, the applicant Party transmitted to the Registry copies of new documents that it wishes to produce in accordance with Article 56 of the Rules of Court. In the absence of any objection by the respondent Party, the Court decided to authorize the production of the said documents.

By a letter dated 18 January 2006, the respondent Party equally provided the Registry with copies of new documents which it wishes to produce in accordance with Article 56 of the Rules of Court. In the absence of any objection by the applicant Party, the Court also decided to authorize the production of those new documents.

On 7 March 2006, the applicant Party provided the Court and the respondent Party with a CD-ROM containing "ICTY Public Exhibits and Other Documents cited by Bosnia during its Oral Pleadings (07/03/2006)". By a letter dated 10 March 2006, the respondent Party objected to the production of the said CD-ROM due to its size and submission at such a late stage in the proceedings. By a letter dated 16 March 2006, the CD-ROM was withdrawn by the Applicant.

On 17 March 2006, the applicant Party submitted a map for use during the statement to be made by one of its experts on the morning of 20 March 2006. On 20 March 2006, it produced a folder of further documents to be used in the examination of that expert. The respondent Party objected strongly to the production of the documents at such a late stage since its counsel would not have time to prepare for cross-examination. On 20 March 2006, the Court decided that the map submitted on 17 March 2006 could not be used during the statement of the expert. Moreover, having consulted both Parties, the Court decided to cancel the morning sitting and instead hear the expert during an afternoon sitting in order to allow the respondent Party to be ready for cross-examination.

(e) *Availability of pleadings to States entitled to appear before the Court*

(Rules, Art. 53, para. 1)

In the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia* v. *Serbia and Montenegro)*, copies of the pleadings and documents annexed thereto have been made available to a State entitled to appear before the Court (see p. 242 above).

Between 1998 and 2004, 24 rounds of negotiations were held. However, according to Romania, "no result was obtained and an agreed delimitation of the maritime areas in the Black Sea was not accomplished". Romania brought the matter before the Court "in order to avoid the indefinite prolongation of discussions that, in [its] opinion, obviously cannot lead to any outcome".

Romania requested the Court

> "to draw in accordance with international law, and specifically the criteria laid down in Article 4 of the Additional Agreement, a single maritime boundary between the continental shelf and the exclusive economic zone of the two States in the Black Sea".

As a basis for the Court's jurisdiction Romania invoked Article 4 *(h)* of the Additional Agreement, which provides:

> "If these negotiations [referred to above] shall not determine the conclusion of the above-mentioned agreement [on the delimitation of the continental shelf and the exclusive economic zones in the Black Sea] in a reasonable period of time, but not later than 2 years since their initiation, the Government of Romania and the Government of Ukraine have agreed that the problem of delimitation of the continental shelf and the exclusive economic zones shall be solved by the United Nations International Court of Justice, at the request of any of the parties, provided that the Treaty on the regime of the State border between Romania and Ukraine has entered into force. However, should the International Court of Justice consider that the delay of the entering into force of the Treaty on the regime of the State border is the result of the other Party's fault, it may examine the request concerning the delimitation of the continental shelf and the exclusive economic zones before the entering into force of this Treaty."

Romania contended that the two conditions set out in Article 4 *(h)* of the Additional Agreement had been fulfilled, since the negotiations had by far exceeded two years and the Treaty on the Romanian-Ukrainian State Border Régime had entered into force on 27 May 2004.

In its Application Romania further provided an overview of the applicable law for solving the dispute, citing a number of provisions of the Additional Agreement of 1997, as well as the 1982 Montego Bay United Nations Convention on the Law of the Sea, to which both Ukraine and Romania were parties, together with other relevant instruments binding the two countries.

By an Order of 19 November 2004 (*I.C.J. Reports 2004*, p. 273), the Court, taking into account the views of the Parties, fixed 19 August 2005 and 19 May 2006 as the time-limits for the filing of a Memorial by Romania and a Counter-Memorial by Ukraine.

The Memorial and Counter-Memorial were duly filed within the time-limits fixed. By an Order of 30 June 2006 (*I.C.J. Reports 2006*, p. 110) the Court authorized the filing of a Reply by Romania and a Rejoinder by Ukraine and fixed 22 December 2006 and 15 June 2007 as respective time-limits for the filing of these pleadings.

12. Dispute regarding Navigational and Related Rights (Costa Rica v. *Nicaragua)*

On 29 September 2005 Costa Rica instituted proceedings against Nicaragua in a dispute concerning navigational and related rights of Costa Rica on the San Juan River.

In its Application Costa Rica stated that it sought "the cessation of the [Nicaraguan] conduct which prevents the free and full exercise and enjoyment of the rights that Costa Rica possesses on the San Juan River, and which also prevents Costa Rica from fulfilling its responsibilities" under certain agreements between itself and Nicaragua. Costa Rica further requested the Court to determine the reparation which must be made by Nicaragua. Costa Rica contended that "Nicaragua ha[d] – in particular since the late 1990s – imposed a number of restrictions on the navigation of Costa Rica's boats and their passengers on the San Juan River", in violation of "Article VI of the Treaty of Limits [signed in 1858 between Costa Rica and Nicaragua, which granted to Nicaragua] sovereignty over the waters of the San Juan River, recognizing at the same time important rights to Costa Rica". Costa Rica maintains that these rights were confirmed and interpreted by an arbitral award issued by the President of the United States of America, Mr. Grover Cleveland, on 28 March 1888, and by a judgment of the Central American Court of Justice of 1916, as well as by the "Agreement Supplementary to Article IV of the [1949] Pact of Amity". Costa Rica further contends that "these restrictions are of a continuing character".

As basis of jurisdiction Costa Rica invoked the declarations of acceptance of the Court's jurisdiction made by the Parties under Article 36, paragraph 2, of the Statute, as well as the Tovar-Caldera Agreement signed between the Parties on 26 September 2002. Costa Rica also relies on Article 36, paragraph 1, of the Statute of the Court by virtue of the operation of Article XXXI of the "Pact of Bogotá" of 13 April 1948.

By an Order of 29 November 2005 (*I.C.J. Reports 2006*, p. 165), the Court fixed 29 August 2006 as the time-limit for the filing of a Memorial by Costa Rica and 29 May 2007 as the time-limit for the filing of a Counter-Memorial by Nicaragua.

13. Status vis-à-vis the Host State of a Diplomatic Envoy to the United Nations (Commonwealth of Dominica v. *Switzerland)*

On 26 April 2006 the Commonwealth of Dominica instituted proceedings against Switzerland concerning alleged violations by the latter of the Vienna Convention on Diplomatic Relations, as well of other

international instruments and rules, with respect to a diplomati
of Dominica to the United Nations in Geneva.

In its Application Dominica stated that the diplomat in q
Mr. Roman Lakschin, had been accredited to the United Nati
its Specialized Agencies and to the World Trade Organization
since March 1996 as a member of the Permanent Mission of D
to the United Nations in Geneva (first as Counsellor, later as
d'affaires and Deputy Permanent Representative with the r
Ambassador). Dominica emphasized that this accreditation was "
to the organizations and not to Switzerland", but that, neve
Switzerland had "claimed the right to withdraw the accreditation
said envoy, "stating that [he] is a 'businessman' and [that] as
would have no right to be a diplomat". Dominica contend
Switzerland could not be allowed to "control a small State like Do
which had a population of merely some 70,000 people and thus is
restricted in the selection of foreign envoys". It further stated
"ha[d] the right to send whichever envoy [it] considers approp
the United Nations in Geneva in [its] attempt to better [its]
prospects and [its] economy". Dominica maintained that Switzerl
deprived it of "welcome and competent assistance in establishi
running a Mission in Geneva and thereby impeded the eff
Dominica to develop trade and investment".

As basis for the Court's jurisdiction, Dominica invoked the decl
of acceptance of the Court's jurisdiction under Article 36, parag
of its Statute made by Dominica on 17 March 2006 and by Swit
on 28 July 1948, as well as Article 1 of the Optional Protoco
Vienna Convention for the Compulsory Settlement of Disputes, t
both parties have adhered.

By letter of 15 May 2006, a faxed copy of which was receive
Registry on 24 May and the original on 6 June 2006, the Prime
of the Commonwealth of Dominica informed the Court that his
ment "did not wish to go on with the proceedings instituted
Switzerland" and requested the Court to make an Order "
recording [their] unconditional discontinuance" and "directing the
of the case from the General List". By letter of 24 May 2006, t
Ambassador in The Hague advised the Court that he had infor
competent Swiss authorities of the discontinuance as thus notifi

Accordingly, on 9 June 2006 the Court made an Order (*I.C.J.*
2006, p. 107) in which, after noting that the Government of t
Confederation had not taken any step in the proceedings in th
recorded the discontinuance of the proceedings by the Commo
of Dominica and ordered that the case be removed from the Li

14. Pulp Mills on the River Uruguay (Argentina v. *Urugua*

On 4 May 2006 Argentina instituted proceedings against
concerning alleged breaches by Uruguay of obligations incumb

it under the Statute of the River Uruguay, a treaty signed between the two States on 26 February 1975 (hereinafter "the 1975 Statute") for the purpose of establishing the joint machinery necessary for the optimum and rational utilization of that part of the river which constitutes their joint boundary.

In its Application Argentina charged the Government of Uruguay with having unilaterally authorized the construction of two pulp mills on the River Uruguay without complying with the obligatory prior notification consultation procedures under the Statute. Argentina claims that these mills pose a threat to the river and its environment, are likely to impair the quality of the river's waters and to cause significant transboundary damage to Argentina.

As basis for the Court's jurisdiction, Argentina cited the first paragraph of Article 60 of the 1975 Statute, which provides that any dispute concerning the interpretation or application of that Statute which cannot be settled by direct negotiations may be submitted by either party to the Court.

Argentina's Application was accompanied by a request for the indication of provisional measures, whereby Argentina asked that Uruguay be ordered to suspend the authorizations for construction of the mills and all building works pending a final decision by the Court, and to co-operate with Argentina with a view to protecting and conserving the aquatic environment of the River Uruguay, as well as to refrain from taking any further unilateral action with respect to construction of the two mills incompatible with the 1975 Statute, and from any other action which might aggravate the dispute or render its settlement more difficult.

Public hearings were held on the request for the indication of provisional measures on 8 and 9 June 2006. By an Order of 13 July 2006 (*I.C.J. Reports 2006*, p. 113), the Court, by 14 votes to one, found that the circumstances, as they now presented themselves to it, were not such as to require the exercise of its power under Article 41 of the Statute to indicate provisional measures.

By Order of 13 July 2006 (*I.C.J. Reports 2006*, p. 156) the Court fixed 15 January 2007 as the time-limit for the filing of a Memorial by Argentina and 20 July 2007 as the time-limit for the filing of a Counter-Memorial by Uruguay.

II. APPLICATION OF THE STATUTE AND RULES OF COURT

1. Organization of the Court

(a) *Election (or re-election) of Members of the Court; installation of new judges*

(Statute, Art. 13, para. 20; Rules, Arts. 2, para. 1, and 4, paras. 1 and 2) asserted that the applicant Party was no longer entitled at that stage of the proceedings to plead the inadmissibility of the counter-claims, since the Court's Order gave a definitive ruling on counter-claims under Article 80 of the Rules of Court and precluded any discussion on the admissibility of the counter-claims themselves.

The Court noted that in the *Oil Platforms* case it had been called upon to resolve the same issue and that it had concluded that the Applicant was entitled to challenge the admissibility of the Respondent's counter-claim in general, even though the counter-claim had previously been found admissible under Article 80 of the Rules. The Court pointed out that, when ruling on the "admissibility" of a counter-claim, its task at that stage was only to verify whether or not the requirement laid down under Article 80 of the Rules of Court was satisfied, namely, that there was a direct connection of the counter-claim with the subject-matter of the principal claims. Thus the Court found that, in its Order of 29 November 2001, it intended only to settle the question of a "direct connection" within the meaning of Article 80. The Court concluded that the Applicant was still entitled, at that stage of the proceedings, to challenge the admissibility of the Respondent's counter-claims.

Having examined the Applicant's objections to the admissibility of the first counter-claim, the Court rejected them. Subsequently, turning to the merits of the said counter-claim, the Court found that it could not be upheld.

With respect to the second counter-claim, the Court found one part of it to be admissible, but rejected another part. Turning to the merits, the Court upheld the part of the second counter-claim found to be admissible.

(l) *Discontinuance*

(Statute, Art. 48; Rules, Art. 88, para. 1)

In the case concerning the *Status vis-à-vis the Host State of a Diplomatic Envoy to the United Nations (Commonwealth of Dominica* v. *Switzerland)*, the applicant Party notified the Court that his Government "d[id] not wish to go on with the proceedings instituted against Switzerland". The respondent Party informed the Court that its competent authorities had been informed of the discontinuance notified by the applicant Party. Following these notifications, the Court made an Order placing on record the discontinuance of the proceedings and directing the removal of the case from the List.

(m) *Reading of the decision of the Court*

(Statute, Art. 58; Rules, Arts. 94 and 95)

(i) *Judgments*

The Judgments of the Court in the cases concerning *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo* v. *Uganda)* and *Armed Activities on the Territory of the Congo (New Application: 2002) (Democratic Republic of the Congo* v. *Rwanda)* were read at public sittings; in view of the length of the text of these Judgments, the President omitted or summarized certain passages. Duly signed and sealed copies were transmitted to each of the Agents of the Parties at the end of the readings.

(ii) *Orders*

The Order on the request for the indication of provisional measures in the case concerning *Pulp Mills on the River Uruguay (Argentina* v. *Uruguay)* was read by the President at a public sitting.

(n) *Separate and dissenting opinions*

(Statute, Art. 57; Rules, Art. 95, para. 2)

In the case concerning *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo* v. *Uganda)*, two judges and one judge *ad hoc* appended a declaration to the Judgment of the Court; four of the judges appended a separate opinion and one judge *ad hoc* appended a dissenting opinion.

In the case concerning *Armed Activities on the Territory of the Congo (New Application: 2002) (Democratic Republic of the Congo* v. *Rwanda)*, two judges appended a declaration to the Judgment of the Court, one judge and one judge *ad hoc* appended a separate opinion and five judges appended a joint separate opinion. One judge and one judge *ad hoc* appended a dissenting opinion to the Judgment

In the case concerning *Pulp Mills on the River Uruguay (Argentina* v. *Uruguay)*, one judge appended a declaration to the Order of the Court, two judges appended a separate opinion and one judge *ad hoc* appended a dissenting opinion.

III. PEACE PALACE MUSEUM

On 17 May 1999, the Secretary-General of the United Nations, H.E. Mr. Kofi Annan, inaugurated the Museum created by the International Court of Justice and situated in the south wing of the Peace Palace.

Its collection presents an overview of the theme "Peace through Justice", highlighting the history of the Hague Peace Conferences of 1899 and 1907; the creation at that time of the Permanent Court of Arbitration; the subsequent construction of the Peace Palace as a seat for international justice; as well as the establishment and the functioning of the Permanent Court of International Justice and the present Court (different displays showcase the genesis of the United Nations; the Court and its Registry; the Judges on the Bench; the provenance of Judges and cases; the procedure of the Court; the world's legal systems; the case-law of the Court; prominent visitors).

far. So does our Court, and I think the Court has
be proud of its achievements in a political environn
not always been marked by great enthusiasm towarc
international disputes on the basis of international l
Court at present, even though it is being joined in th
arena by more and more other tribunals, is busier t
been before, and finds itself tackling issues of ever
and often of awesome political weight for the Sta
litigation before it.

But, of course, what is even more desirable – an
any sixty-year-old is not to rest content with retrosp
to turn to the future and engage in an effort to ren
more active, the purpose of one's existence still more
is precisely in this spirit that we decided to organize
'A Dialogue at the Court' on the occasion of its sixtie
in the form of a Colloquium that was held over the las
basic idea was for us to engage in an exchange of
actual and potential clients, the States, in a discussio
render our Court more attractive and capable of
better service in the years to come. For this purpose,
legal advisers of those States which had appeared b
within the last ten years, either in contentious cases
proceedings, to join the current Members of the
judges, current and former judges *ad hoc*, as well as
practitioners who have served as counsel and advoca
period. This select group was to take part in a dialo
designed to be, and indeed turned out to be, as prag
as possible. We were able to achieve this by applyi
'Chatham House rules', under which reference cou
made to everything that was said, without, howeve
idea or opinion to a particular person. The discussi
into three panels, dealing with the following the
jurisdiction, procedural questions and problems o
Court.

The first issue, that of jurisdiction, is one of vital
our institution, because the Court can only decide a
before it if both parties have given their consent. Su
be expressed in a variety of ways and these ways,
their pros and cons as well as their interplay, were e
depth and subtlety. I think it is fair to say that in
discussion showed a remarkable readiness to look a
with a good measure of constructive spirit, and a w
aside old inhibitions.

The Colloquium then turned to issues of proce
Court and sometimes extremely practical questions
organize it and adapt it to the specific features
Obviously, in this context problems of the managen

of the greatest importance; another matter with which the Court – and the parties – are grappling at current is the handling of large amounts of evidence, in particular the examination of witnesses, as well as the relevance for the Court of the decisions of other international tribunals dealing with related subject-matters.

Finally, under the heading of access to the Court, the Colloquium debated matters ranging from the prospects of broadening such access by international organizations, particularly the United Nations and its Secretary-General, to such issues as how to organize – and indeed to finance – a party's legal team.

I am convinced that all participants will agree that the Colloquium was very useful indeed. It brought to the fore a great number of ideas and items that will be of immediate assistance to States which are considering, or are engaged in, recourse to the Court, but also of immediate assistance to the Court itself in its constant effort to fulfil its mission as the principal judicial organ of the United Nations in as effective a way as possible. The results of the Colloquium will be published shortly in a format respecting the 'Chatham House rules'. They will complement the rules and practice directions which the Court itself has issued. We are grateful to all participants in this dialogue for their interest and dedication, to the sponsors who made the Colloquium possible in the first place, and to the members of our Registry for their splendid efforts in support of the event.

Thank you so much for your attention."

VI. AWARDS

Fray Francisco Vitoria Medal

On 6 April 2006 the Court was presented with the "Fray Francisco Vitoria" medal, awarded by the municipality of Vitoria (birthplace of the famous Spanish "founding father of international law") and the University of the Basque Country. A ceremony was organized for the occasion in Vitoria, at which speeches were delivered by the Mayor of the city, Mr. Alfonso Alonso, the Rector of the University of the Basque Country, Mr. Juan Ignacio Pérez Iglesias, and the President of the Court, Judge Rosalyn Higgins.

"I wish to reiterate how honoured my colleagues and I are to receive this distinguished award on behalf of the International Court of Justice, in recognition of the Court's crucial role as a guardian of the respect of the international law", stated Judge Higgins, who was accompanied by a delegation of Court Members. "The Court will pursue its efforts to prove worthy of the hopes that have been placed on it and to fulfil the mission that was attributed to it 60 years ago by the draftsmen of the United Nations Charter", she added.

While a sixtieth birthday brings most people very close to retirement age, for the International Court that is absolutely not the case. In fact, the Court is relatively young and has many years of work ahead of it. That is why, on this festive occasion, I should like to raise an issue that is of crucial importance if the position of the Court is to be strengthened.

On occasions such as this one, interesting observations are often made about the promotion of the international legal order and the international rule of law. The Member States of the United Nations frequently stress the importance of this objective. That is unsurprising, since the rule of law and a well functioning legal order are essential at *national* level too. Obviously, it is much more difficult to achieve these aims at international level. Nevertheless, in a rapidly integrating world where we are all becoming ever more dependent on one another, it is vital that we put every effort into bringing them closer. Otherwise, concepts such as the international rule of law will simply degenerate into meaningless platitudes.

One of the most important ways of promoting the international legal order and rule of law is to accept the jurisdiction of international courts. Once States do so, international law affords them not only rights but also responsibilities and remedies, both of which are taken for granted under national law. In the past states were very unwilling to submit to the compulsory jurisdiction of international courts. But this is gradually changing, for both regional and global judicial bodies. Examples include the European Court of Justice, the European Court of Human Rights, the Court of Justice of the Andean Community and the World Trade Organization's Appellate Body.

The International Court of Justice does not have compulsory jurisdiction. It is competent to make rulings only in disputes between States that have recognized its jurisdiction, either in general or with respect to a specific treaty or convention, or a specific dispute. In its Judgment of 3 February 2006 in the case concerning *Armed Activities on the Territory of the Congo*, the Court confirmed once again that in accordance with its Statute, its jurisdiction is always based on the consent of the parties. In this case the Court recognized for the first time the existence of *jus cogens*, but also found that the fact that a dispute relates to compliance with a peremptory norm – and the prohibition of genocide is just such a norm – cannot of itself provide a basis for the jurisdiction of the Court to entertain that dispute. The consent of the parties therefore remains a precondition for the exercise of jurisdiction by the Court.

There is much room for improvement when it comes to acceptance of the Court's jurisdiction. Only a third of the United Nations Member States have recognized its compulsory jurisdiction and a number of these entered substantial reservations in doing so. This situation has remained unchanged over the last few decades. Only one of the five permanent members of the Security Council, all of which permanently have a national sitting on the Court, has accepted its compulsory jurisdiction. In addition, experience has shown that States are not always good losers. Several have withdrawn recognition of the Court's jurisdiction after losing a case.

I should like to take this opportunity to call for broader recognition of the jurisdiction of the International Court of Justice, as did the United Nations Secretary-General in his report *In Larger Freedom* of March 2005. By doing so, states can demonstrate that they take seriously the business of promoting the international legal order and the international rule of law in the twenty-first century. This means that they must also accept that they may lose cases before the Court. But there are two reasons why they have to take this as part of the deal. One, at least some of the time they will be on the winning side. Two, and that is what concerns me the most, this will in time strengthen the international legal order.

The Netherlands has decades of experience with regional courts within Europe, notably the courts in Luxembourg and Strasbourg. That experience shows that cases are sometimes won and sometimes lost. But more importantly, especially from a long-term perspective, it shows that these courts have made an undeniable contribution to the current level of regional integration. Of course, the European experience cannot automatically be exported to the global level. But in this instance it can. It is my firm conviction that strengthening the jurisdiction of the Court will make a major contribution to promoting the international legal order and the international rule of law. The Netherlands will therefore help strengthen that jurisdiction wherever possible and will urge other countries to recognize it.

Thank you."

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"SPEECH BY H.E. JUDGE ROSALYN HIGGINS, PRESIDENT OF THE INTERNATIONAL COURT OF JUSTICE

Your Majesty,
Former Judges of the Court,
Your Excellencies,
Ladies and Gentlemen,

The sixtieth anniversary of the inaugural sitting of the International Court of Justice is an occasion for both looking back and planning ahead, for both celebration and dialogue. It happens to come at a time when the profile of international law has never been higher, and provides the perfect opportunity for reflection on the themes of continuity and change.

Continuity is reflected in the important role the Court has continued to play in the United Nations system. It has, as in the years before, resolved seemingly intractable disputes, and as before, it has continued to hand down judgments that are widely regarded as of the highest quality. It has continued its important role in issuing advisory opinions. Three advisory opinions have been delivered by the Court at the request of United Nations organs during these past ten years. They have concerned the complex subjects of the legality of the threat or use of nuclear weapons, the application of a United Nations Special Rapporteur's immunities by the courts of his nationality and the legal consequences of the construction of a wall in the Occupied Palestinian Territory.

But there has been change, too. The Court is being more widely used than ever before. Some 59 States have come before the Court during this period. They have participated as applicants and respondents in contentious cases or have submitted written or oral statements in advisory opinion proceedings. These States include the 'traditional clientele' of the Court such as the United States, France, Germany, the United Kingdom and Spain. However, States from what was Eastern Europe, from Asia, Africa, Latin America and the Middle East have also appeared before the Court. Of the cases on the current docket, there are four cases between European States, three between Latin American States, one between African States, one between Asian States and one of an intercontinental nature. This regional diversity illustrates the Court's universality.

The subject-matter of the cases coming before the Court also reflects this diversity. The 'classic' subject of territorial and maritime delimitation continues to come before us; there are five such cases on the Court's docket at present. Another 'classic' topic is the treatment of nationals by other States. There are two such cases on the docket. However, States have increasingly been submitting matters concerning more 'cutting-edge' issues. The Court has been seised of cases that touch on the interface of the contemporary law of intervention and violations of human rights and humanitarian law. There have been cases about universal jurisdiction and immunities. The question of the Court's power of judicial review over the Security Council has been raised.

As usual, we have had some separate hearings on preliminary objections to our jurisdiction, in which the Court may be required to rule upon a respondent's objections to jurisdiction or admissibility before it can address the merits of the applicant's claim. However, what is relatively new is the frequent recourse to the Court for provisional measures. Whereas between 1985 and 1995 only seven requests for provisional measures were made, over the past decade the Court has been asked 17 times to exercise its power to issue provisional measures to preserve the respective rights of parties to a case. It granted the measures in 15 of those instances. In 2001, the Court ruled that provisional measures were indeed binding decisions. This phenomenon is raising a cluster of important legal issues that will surely merit our particular attention in the period immediately ahead.

The diversity of counsel appearing before the International Court has increased in recent years. It is pleasing to see a mixture of lawyers from the respondent or applicant State along with the highly experienced international counsel. And the international Bar is becoming broader in its composition.

The Court is not only the principal judicial organ of the United Nations, but it also is the only international judicial body to possess general jurisdiction. Very important work is being done by the more recently established international criminal courts and tribunals, which we much admire. At the same time, and notwithstanding that the accountability of individuals for crimes is a pressing issue, the resolution of disputes between States is at the heart of the United Nations Charter system. The maintenance of international peace and security, one of the cardinal principles of the United Nations Charter, necessitates that disputes between States can be resolved without undue tensions or recourse to force, and judicial settlement by the International Court can play a signal role in this.

The quality of our decisions and the global confidence in the conclusions we arrive at come from the collegiate way in which we work and the fact that every judge is involved throughout the life of a case. At the same time, we must strive, within these parameters, to meet the expectations of those States who place their trust in us to find a solution for them in a timely fashion.

Your Majesty,
Your Excellencies,
Ladies and Gentlemen,

The Court lives in the real world. Changes in the world around us have their impact here, too. We must continue to provide that core predictability that distinguishes law from politics, but we have to do so in a way that is responsive to the legitimate needs and aspirations of the international community. There is a continuing leadership role for the International Court that will be achieved by our continuing commitment to quality and efficiency. In carefully balancing continuity and change, the Court will remain the lighthouse beacon in our ever expanding system of international law. This is the challenge for the period ahead."

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"REPORT BY H.E. JUDGE BRUNO SIMMA, JUDGE OF THE INTERNATIONAL COURT OF JUSTICE

Your Majesty,
Your Excellencies,
Ladies and Gentlemen,

People, and institutions, when they turn sixty, tend to look back at their past, and take stock of their successes and failures in life so

IV. Visits

A. Visit of the President of the Russian Federation

On 2 November 2005 His Excellency Mr. Vladimir Putin, Preside the Russian Federation, paid a visit to the Court. At a solemn si held in the Great Hall of Justice and attended by the diplomatic c and by representatives of the Dutch authorities, the Iran-United S Claims Tribunal, the International Criminal Tribunal for the fo Yugoslavia, the International Criminal Court and other internati institutions located in The Hague, the President of the Court, Judge made a speech, to which the President of the Russian Federation rep

President Shi recalled "the fundamental contribution that Russia made to the development of various crucial currents of though international law", and highlighted the work of some of the emi Russian scholars and judges "that have helped make the Court wh is today". He paid particular homage to Professor Fedor Martens, played "a prominent role" in the international peace movement o nineteenth century. "His dream of a temple of peace indeed inspired creation of this Peace Palace", said the President of the Court. He rec that Martens "took an especially active part" as a member of the Rus delegation in the work of the First and Second Hague Peace Confere held in 1899 and 1907 on Czar Nicholas II's initiative. "Among o instruments", said the President, "the Hague Conferences led to signing of the Convention on the Laws and Customs of Land Wa and the Convention for the Pacific Settlement of International Dispu and led to the unanimous agreement for the establishment of a Perma Court of Arbitration. President Shi also highlighted Russia's role i establishment of the United Nations and the International Cour Justice as its principal judicial organ, adding that the United Nat Charter was signed by the prominent Russian jurist, Sergei Krylov, was subsequently elected a Member of the Court. President Putin's said President Shi, "bears witness to [Russia's] long-standing attach to the cause of law and international justice". He quoted Russia's For Minister Lavrov, who recently noted that the decisions of the C "enjoy high authority" and serve "as an important instrument of pea settlement of disputes". The Court "welcome[s] this encourageme the fulfilment of [its] task", concluded the President.

In reply, President Putin stated that, as a participant in the 2005 W Summit of the United Nations, Russia had "confirmed its commit to the primacy of international law". "Russia", said the President, " favour of strengthening the Court's role and to this end supporte inclusion in the Final Document of the 2005 Summit of the provi confirming the obligation of States to settle their disputes by pea means, including through the ICJ". The President stressed that judgments and advisory opinions of the ICJ play an extremely impo role in strengthening and developing international legal principles rules, because they provide a clear understanding of States' rights and duties". "Thus", he added, "the Court influences in a positive way the process of universalization of international law [and] serves to bolster the stability and legitimacy of the United Nations". President Putin stressed the ICJ's "vital role in the prevention of international conflicts and in the peaceful resolution of existing disputes thereby facilitat[ing] the proper functioning of international justice." "Such a role", stated the President, "has become possible due to the independence of the Court and its unique composition".

Following the solemn sitting, President Putin visited a number of rooms in the Peace Palace and viewed various works of art donated by Russia. Those accompanying him included the President of the Court and Judge Vladlen Vereshchetin of Russia.

B. Other Visits

During the period under review, the President and Members of the Court, the Registrar and officials of the Registry received a great number of visits of, *inter alia*, members of government, diplomats, parliamentary delegations, presidents and members of judicial bodies, as well as other high officials.

A great number of groups of scholars and academics, lawyers and legal professionals, as well as others, were also received.

V. SIXTIETH ANNIVERSARY OF THE COURT

In April 2006 the Court celebrated the sixtieth anniversary of its inaugural sitting. On 12 April 2006, a solemn commemorative sitting was held in the presence of Her Majesty Queen Beatrix of the Netherlands. Addresses were given by the United Nations Secretary-General, His Excellency Mr. Kofi Annan; the President of the Sixtieth Session of the General Assembly, His Excellency Mr. Jan Eliasson; the Minister for Foreign Affairs of the Netherlands, His Excellency Mr. Bernard R. Bot; as well as Judge Rosalyn Higgins, President of the Court, and Judge Bruno Simma, Member of the Court. (The text of those addresses is reproduced below.)

Former Members of the Court and former judges *ad hoc* also attended the sitting, as well as members of the Diplomatic Corps, representatives of the Dutch Government and other Dutch institutions and senior staff of international organizations based in The Hague, such as the Iran-United States Claims Tribunal, the International Criminal Tribunal for the Former Yugoslavia (ICTY), the International Criminal Court (ICC) and the Permanent Court of Arbitration (PCA).

Prior to the sitting a two-day colloquium was organized on 10 and 11 April 2006 in co-operation with the United Nations Institute for Training and Research (UNITAR). It addressed issues of the Court's jurisdiction, rules of procedure and access. This colloquium, held under

"Chatham House" rules (i.e., the ideas expressed may be cited, but on an unattributed basis), was attended by some hundred practitioners.

"REMARKS BY H.E. MR. KOFI ANNAN, UNITED NATIONS SECRETARY-GENERAL

Your Majesty,
Madam President,
Excellencies,

For sixty years, the International Court of Justice has adjudicated disputes between sovereign States. At this solemn Peace Palace, the world's most eminent judges have heard from some of its most accomplished attorneys. In these halls, ardent advocacy has met judicious judgment. As a result, international law has been clarified, and world order strengthened. Sometimes, contentions here have calmed conflicts elsewhere.

I am, of course, not a lawyer by training. But as an advocate, both of the United Nations System as well as the prosperous, peaceful world that it seeks, I consider it a singular honour to be here today, and to address this distinguished audience. Together, we celebrate not only a significant milestone for the World Court, but also the rules which underpin its functioning.

These rules – international law – play an increasing role in our global society. They regulate relations between States. They provide frameworks for co-operation and co-existence. They encourage multilateral action to address multifaceted problems.

Like this Court, these rules reflect the reality, but also the promise, of our international order. They show the world not only as it is, but as it ought to be. And their expansion and elaboration is one of the signal achievements of the post-war era.

The work of the International Court of Justice has helped secure these advances. Its judgments have interpreted and implemented international law, while its advisory opinions have clarified important, and in some cases, politically sensitive issues.

That is why, at last year's World Summit, world leaders unanimously recognized 'the important role of the international Court of Justice ... in adjudicating disputes among states', and acknowledged 'the value of [the Court's] work'.

This praise reflects the fact that the Court is thriving. Today, more than ever before, United Nations Member States are turning to it, not just to resolve land and maritime boundary disputes, or to complain of treaty violations, but also on matters of genocide and the use of force. As a result, the Court has never been more in demand. It has also never been more productive and efficient. In recent years, it has streamlined its rules and speeded up its decision-making, without compromising procedural requirements or intellectual quality. It has modernized its Registry, adapted its internal functioning, and made its judgments and opinions universally available through the world wide web.

Clearly, these are all welcome changes. Yet, more can, and must, be done to ensure the Court's long-term future. I would particularly encourage all States that have not yet done so to consider recognizing the compulsory jurisdiction of the Court. I also encourage States that are not yet prepared to recognize the compulsory jurisdiction to consider submitting their disputes to the Court by Special Agreements.

Taken together, these two steps would, I believe, help ensure the Court's future as a central element of our international society, perhaps for another 60 years.

There is one aspect in which the Court's future has always been secure: its home here in The Hague.

Your Majesty, please accept my thanks for the hospitality your Government, and your people, extend to the International Court, as well as to the many other international law forums headquartered here. In hosting these institutions, The Hague richly deserves its reputation as the International City of Peace and Justice.

I have, of course, left one particularly welcome development for last.

Madam President, it is a pleasure to see you, a pioneering woman, a distinguished jurist and – might I add? – an early intern at United Nations headquarters, heading this important judicial body. Your well-deserved elevation is a heartening step towards addressing the chronic under-representation of women, not simply on this Court, but at the highest levels in all parts of the United Nations system.

I wish you every success in your mission, and in developing the Court's activities, for the benefit of peace and justice throughout the world.

Thank you very much."

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"STATEMENT BY H.E. MR. JAN ELIASSON, PRESIDENT OF THE UNITED NATIONS GENERAL ASSEMBLY

Your Majesty, Mr. Secretary-General, Madam President, Ministers, Excellencies, Ladies and Gentlemen,

It is an honour for me to represent the United Nations General Assembly at the sixtieth anniversary of the inaugural sitting of the International Court of Justice. It is a special honour for the United Nations that Her Majesty, Queen Beatrix of Netherlands, graciously attends this historic occasion. My great appreciation also goes to the Dutch Government for being such a welcoming and generous host to this august Court and to this principal organ of the United Nations.

At the outset, I wish to thank Judge Shi Jiuyong, out
President of the Court, for his splendid and much respected
throughout his Presidency of the Court. And to the new Presi
Judge Rosalyn Higgins, I extend my warmest congratulations.
your extensive knowledge and experience, you will, without a d
continue to steer a clear course for the Court in the years ahe

At the 2005 World Summit last September, the United Na
celebrated its sixtieth anniversary. Leaders from all over the
pledged their strong support to the United Nations and to it
in promoting the rule of law – in particular, the role o
International Court of Justice. The 2005 World Summit Out
Document emphasizes the obligation of States to settle their dis
by peaceful means in accordance with Chapter VI of the U
Nations Charter and under the heading Pacific Settleme
Disputes. The Document reaffirms that the Court is the pri
judicial organ of the United Nations in adjudicating dis
among States.

In the sixty years since its establishment, the Court has deal
a wide range of issues, including boundary disputes, diplo
protection, genocide and use of force. It has also contribut
developing norms of international law in areas such as environ
law and human rights. The role of the Court in resolving dis
between States has helped promote peaceful settlement and, by
international peace and security and I would say there is a gr
role for the Court in this regard.

The fact that Member States have, year after year, repeated
desire to see more use of the Court in settling disputes be
States is strong evidence of the confidence Member States ha
this World Court and this represents in my view capital of confi
which can be utilized in the years to come. Here, I would li
encourage States that have not yet done so to consider recog
the compulsory jurisdiction of the Court.

Another vital role of the Court is to promote internationa
through its advisory opinions. The General Assembly has requ
advisory legal opinions on several occasions in the past, an
undoubtedly continue to do so. Advisory opinions provide a va
tool for legal clarifications and can help prevent disagreements
escalating into full-blown disputes.

The General Assembly has worked alongside the Court for
than half a century. The relationship between these two instit
is vital in view of the General Assembly's responsibility in el
the highly qualified judges of the Court. In turn, the Presid
the Court has the responsibility to keep Member States
General Assembly abreast of the Court's activities through
presentations. This latter point underscores the co-ordination
is vital and much needed between the United Nations' pr
organs.

The Court's efforts to constantly update and improve its working methods – including through the use of modern technology – deserve recognition, especially at a time when the United Nations is undergoing reform and transformation. I am aware that these efforts require appropriate resources.

As President of the General Assembly, I will continue to encourage Member States to turn to the Court to settle their disputes, and to seek advisory opinions through the appropriate organ, when needed. In this context, I very much appreciate and support the Secretary-General's Trust Fund to assist States to resort to the Court to resolve their disputes.

On this auspicious occasion, I wish, in closing, the President, the Members and the staff of the Court a happy anniversary and every success in your future endeavours. I am confident that the Court, in the words of the President, will remain the lighthouse beacon in our ever expanding system of international law. You have the full trust and confidence of the General Assembly of the United Nations in your important mission."

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"SPEECH BY H.E. MR. BERNARD R. BOT, MINISTER FOR FOREIGN AFFAIRS OF THE NETHERLANDS

Your Majesty,
Mr. Secretary-General,
Honourable President and Members of the International Court of Justice,
Honourable President of the General Assembly,
Your Excellencies,
Ladies and Gentlemen,

On behalf of the Dutch Government I would like to welcome you here today, just as my predecessor, Jan Herman van Royen, welcomed your predecessors sixty years ago. I should like to congratulate the Court most sincerely on its sixtieth anniversary. My congratulations too to Judge Rosalyn Higgins, the new President of the Court. Not only is she the first woman to be President, she is in fact the only woman ever to have been elected as a Member of the Court.

In recent years, an increasing number of States have realized that the Court can be of service to them in the peaceful settlement of all kinds of disputes. It has also become clear that the Court operates so efficiently with relatively limited resources that it can provide the high quality administration of justice that the international community needs. In that process the Court tries to arrive at the best possible judgments in disputes, while, more generally, applying, promoting and further developing international law.

The "Fray Francisco Vitoria" medal is a prestigious award created by the city of Vitoria at the suggestion of the Advisory Scientific Board of the Vitora-Gasteiz international law and international relations courses, organized under the aegis of the University of the Basque Country. It is intended to honour individuals and institutions having made a notable contribution to the establishment of peace and the promotion of understanding within the international community.

VII. ADDRESSES, LECTURES AND PUBLICATIONS ON THE WORK OF THE COURT

During the period under review, the President of the Court, Judge Shi, in his official capacity, on 27 October 2005 addressed the 39th plenary meeting of the sixtieth session of the General Assembly on the occasion of the presentation of the Court's Annual Report. On 28 October 2005, he also gave an address to the Sixth Committee of the General Assembly. On 3 February 2006 President Shi made a statement to the press following the public reading of the Judgment of the Court in the case concerning *Armed Activities on the Territory of the Congo (New Application: 2002) (Democratic Republic of the Congo* v. *Rwanda)*; this statement was intended as an explanatory comment on the Court's Judgment.

On 22 June 2006 the President of the Court (as from 6 February 2006), Judge Higgins, in her official capacity, made a speech in the course of the public debate organized by the Security Council on the theme, "Strengthening International Law". On 13 July 2006 President Higgins made a statement to the press following the public reading of the Court's Order on Argentina's request for the indication of provisional measures in the case concerning *Pulp Mills on the River Uruguay (Argentina* v. *Uruguay)*. On 25 July 2006, at its fifty-eighth session, President Higgins addressed the International Law Commission on the work of the Court.

VIII. REPORT AND REPRESENTATION OF THE COURT AT THE GENERAL ASSEMBLY

On the occasion of the sixtieth session of the General Assembly, the Court submitted a report on its activities covering the period from 1 August 2004 to 31 July 2005 (A/60/4). This report was divided into an introductory summary and nine further chapters, relating to the organization, jurisdiction and judicial work of the Court, visits, lectures, the Court's publications and documents, and administrative and budgetary issues. The General Assembly took note of the report at its 39th plenary meeting held on 27 October 2005.

On that occasion the President, who, with the Registrar, represented the Court at the sixtieth session of the General Assembly, addressed that body on the role and functioning of the Court (A/60/PV.39). The full text of the address is reproduced in the Appendix to this Chapter (see below, p. 302). Following the presentation of the Court's report by its President, the representatives of Cameroon, China, Costa Rica, Egypt, Japan, Kenya, Korea, Malaysia, Mexico, New Zealand[1], Nigeria, Pakistan, Peru, Russian Federation, Sri Lanka and Syrian Arab Republic made statements. Those Members of the Court who were present in New York also attended part of the sixtieth session of the General Assembly.

A report dealing with the period 1 August 2005 to 31 July 2006 will be submitted on the occasion of the sixty-first session of the General Assembly (A/61/4).

IX. APPLICATIONS FROM PRIVATE PERSONS

Private persons frequently apply to the Court for the purpose of obtaining a decision on matters at issue between them and the authorities of their own or of another country. Between 1 August 2005 and 31 July 2006 the Court received approximately 2,000 requests of this kind. The writers were informed that, according to Article 34 of the Statute, "only States may be parties in cases before the Court".

APPENDIX

1. ACTION PURSUANT TO ADVISORY OPINIONS OF THE COURT

The present heading contains the information received in the Registry between 1 August 2005 and 31 July 2006 concerning action taken pursuant to certain Advisory Opinions of the Court. The Registry, which does not take the initiative of seeking such information, publishes it without comment as and when it is received and can accept no responsibility in connection with it.

Legality of the Threat or Use of Nuclear Weapons

By a note dated 15 October 1996 the Secretary-General of the United Nations transmitted the text of the Advisory Opinion given by the Court on 8 July 1996 to the General Assembly (United Nations doc. A/51/218)[1].

At the 79th plenary meeting of its fifty-first session, held on 10 December 1996, the General Assembly adopted resolution 51/45 M, at the 67th plenary meeting of its fifty-second session, held on 9 December 1997, resolution 52/38 O, at the 79th plenary meeting of its fifty-third session, held on 4 December 1998, resolution 53/77 W, at the 69th plenary meeting of its fifty-fourth session, held on 1 December 1999, resolution 54/54 Q, at the 69th plenary meeting of its fifty-fifth session, it was so admitted. The Applicant thus had the status of membership in the Organization as from 1 November 2000. However, its admission to the United Nations did not have, and could not have had, the effect of dating back to the time when the SFRY broke up and disappeared. The Court therefore concluded that the Applicant thus was not a Member of the United Nations, and in that capacity a State party to the Statute of the International Court of Justice, at the time of filing its Application to institute the proceedings in each of the cases before the Court on 29 April 1999. As it had not become a party to the Statute on any other basis, the Court was not open to it at that time under Article 35, paragraph 1, of the Statute.

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[1] The representative of New Zealand, Mr. McIvor, also spoke on behalf of Australia and Canada.

The Court then considered whether it might have been open to the Applicant under paragraph 2 of Article 35. It noted that the words 'treaties in force' in that paragraph were to be interpreted as referring to treaties which were in force at the time that the Statute itself came into force, and that consequently, even assuming that the Applicant was a party to the Genocide Convention when instituting proceedings, Article 35, paragraph 2, of the Statute did not provide it with a basis for access to the Court under Article IX of that Convention, since the Convention only entered into force on 12 January 1951, after the entry into force of the Statute.

In the cases against Belgium and the Netherlands, the Court finally examined the question whether Serbia and Montenegro was entitled to invoke the dispute settlement convention it had concluded with each of those States in the early 1930s as a basis of jurisdiction in those cases. The question was whether the conventions dating from the early 1930s, which were concluded prior to the entry into force of the Statute, might rank as a 'treaty in force' for purposes of Article 35, paragraph 2, and hence provide a basis of access. The Court first recalled that Article 35 of the Statute of the Court concerns access to the present Court and not to its predecessor, the Permanent Court of International Justice (PCIJ). It then observed that the conditions for transfer of jurisdiction from the PCIJ to the present Court are governed by Article 37 of the Statute. The Court noted that Article 37 applies only as between parties to the Statute under Article 35, paragraph 1. As it had already found that Serbia and Montenegro was not a party to the Statute when instituting proceedings, the Court accordingly found that Article 37 could not give it access to the Court under Article 35, paragraph 2, on the basis of the Conventions dating from the early 1930s, irrespective of whether or not those instruments were in force on 29 April 1999, the date of the filing of the Application.

In each of its Judgments, the Court finally recalled that, irrespective of whether it has jurisdiction over a dispute, the Parties 'remain in all cases responsible for acts attributable to them that violate the rights of other States'.

Barely a couple of months later, on 10 February 2005 the Court rendered its Judgment on the preliminary objections to jurisdiction and admissibility raised by Germany in the case concerning *Certain Property (Liechtenstein* v. *Germany)*. It found that it had no jurisdiction to entertain the Application filed by Liechtenstein.

When, in 2001, Liechtenstein brought the case before the Court, it based the Court's jurisdiction on Article 1 of the European Convention for the Peaceful Settlement of Disputes. Germany raised six preliminary objections to the jurisdiction of the Court and to the admissibility of Liechtenstein's Application.

The historical context of that case was as follows. In 1945 Czechoslovakia confiscated certain properties belonging to Liechtenstein nationals, including Prince Franz Josef II of Liechtenstein, pursuant to the 'Beneš Decrees', which authorized the confiscation of 'agricultural property' (including buildings, installations and movable property) of 'all persons belonging to the German and Hungarian people, regardless of their nationality'. A special régime with regard to German external assets and other property seized in connection with the Second World War was created under the 'Convention on the Settlement of Matters Arising out of the War and the Occupation' (Chapter Six), signed in 1952 at Bonn. In 1991, a painting by the Dutch master Pieter van Laer was lent by a museum in Brno (Czechoslovakia) to a museum in Cologne (Germany) for inclusion in an exhibition. This painting had been the property of the family of the Reigning Prince of Liechtenstein since the eighteenth century; it was confiscated in 1945 by Czechoslovakia under the Beneš Decrees. Prince Hans-Adam II of Liechtenstein then filed a lawsuit in the German courts in his personal capacity to have the painting returned to him as his property, but that action was dismissed on the basis that, under Article 3, Chapter Six, of the Settlement Convention (an Article whose paragraphs 1 and 3 are still in force), no claim or action in connection with measures taken against German external assets in the aftermath of the Second World War was admissible in German courts. A claim brought by Prince Hans-Adam II before the European Court of Human Rights concerning the decisions by the German courts was also dismissed.

The Court, rejecting Germany's first objection, found that there existed a legal dispute between the Parties and that it was whether, by applying Article 3, Chapter Six, of the Settlement Convention to Liechtenstein property that had been confiscated by Czechoslovakia in 1945, Germany was in breach of the international obligations it owed to Liechtenstein and, if so, what was Germany's international responsibility.

Germany's second objection required the Court to decide, in the light of the provisions of Article 27 *(a)* of the European Convention for the Peaceful Settlement of Disputes, whether the dispute related

held on 20 November 2000, resolution 55/33 X, at the 68t
meeting of its fifty-sixth session, held on 29 November 2001,
56/24 S, at the 57th plenary meeting of its fifty-seventh sessio
22 November 2002, resolution 57/85, at the 71st plenary mee
fifty-eighth session, held on 8 December 2003, resolution 58/4
the 66th plenary meeting of its fifty-sixth session, held on 3
2004, resolution 59/83, the full texts of which are repro
I.C.J. Yearbook 1996-1997, pp. 205-206, *I.C.J. Yearbook*
pp. 286-288, *I.C.J. Yearbook 1998-1999*, pp. 313-315, *I.C.J.*
1999-2000, pp. 278-280, *I.C.J. Yearbook 2000-2001*, pp. 317-3
Yearbook 2001-2002, pp. 306-307, *I.C.J. Yearbook 2*
pp. 325-327, *I.C.J. Yearbook 2003-2004*, pp. 322-324, and *I.C.J.*
2004-2005, pp. 278–280, respectively.

At the 61th plenary meeting of its sixtieth session, held on 8
2005, the General Assembly adopted resolution 60/76, the fu
which is reproduced below:

"Follow-up to the Advisory Opinion of the International
Justice on the *Legality of the Threat or Use of Nuclear*

The General Assembly,

Recalling its resolutions 49/75 K of 15 December 1994
of 10 December 1996, 52/38 O of 9 December 1997,
of 4 December 1998, 54/54 Q of 1 December 1999, 5
20 November 2000, 56/24 S of 29 November 200
of 22 November 2002, 58/46 of 8 December 2003 and
3 December 2004,

Convinced that the continuing existence of nuclear weap
a threat to all humanity and that their use would have ca
consequences for all life on Earth, and recognizing that
defence against a nuclear catastrophe is the total e
of nuclear weapons and the certainty that they will
produced again,

Reaffirming the commitment of the international com
the goal of the total elimination of nuclear weapons and th
of a nuclear-weapon-free world,

Mindful of the solemn obligations of States parties, und
article VI of the Treaty on the Non-Proliferation o
Weapons, particularly to pursue negotiations in good
effective measures relating to cessation of the nuclear-ar
an early date and to nuclear disarmament,

Recalling the principles and objectives for nuc
proliferation and disarmament adopted at the 1995 R
Extension Conference of the Parties to the Treaty on
Proliferation of Nuclear Weapons,

Emphasizing the unequivocal undertaking by the nucle
States to accomplish the total elimination of their nucle

leading to nuclear disarmament, adopted at the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,

Recalling the adoption of the Comprehensive Nuclear-Test-Ban Treaty in its resolution 50/245 of 10 September 1996, and expressing its satisfaction at the increasing number of States that have signed and ratified the Treaty,

Recognizing with satisfaction that the Antarctic Treaty and the treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba are gradually freeing the entire southern hemisphere and adjacent areas covered by those treaties from nuclear weapons,

Stressing the importance of strengthening all existing nuclear-related disarmament, arms control and reduction measures,

Recognizing the need for a multilaterally negotiated and legally binding instrument to assure non-nuclear-weapon States against the threat or use of nuclear weapons,

Reaffirming the central role of the Conference on Disarmament as the single multilateral disarmament negotiating forum, and regretting the lack of progress in disarmament negotiations, particularly nuclear disarmament, in the Conference during its 2003 session,

Emphasizing the need for the Conference on Disarmament to commence negotiations on a phased programme for the complete elimination of nuclear weapons with a specified framework of time,

Expressing its regret over the failure of the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to reach agreement on any substantive issues,

Expressing its deep concern at the lack of progress in the implementation of the thirteen steps to implement article VI of the Treaty on the Non-Proliferation of Nuclear Weapons agreed to at the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,

Desiring to achieve the objective of a legally binding prohibition of the development, production, testing, deployment, stockpiling, threat or use of nuclear weapons and their destruction under effective international control,

Recalling the advisory opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons*, issued on 8 July 1996,

Taking note of the relevant portions of the note by the Secretary-General relating to the implementation of resolution 59/83,

1. *Underlines once again* the unanimous conclusion of the International Court of Justice that there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading

to nuclear disarmament in all its aspects under strict and effective international control;

2. *Calls once again upon* all States immediately to fulfil that obligation by commencing multilateral negotiations leading to an early conclusion of a nuclear weapons convention prohibiting the development, production, testing, deployment, stockpiling, transfer, threat or use of nuclear weapons and providing for their elimination;

3. *Requests* all States to inform the Secretary-General of the efforts and measures they have taken on the implementation of the present resolution and nuclear disarmament, and requests the Secretary-General to apprise the General Assembly of that information at its sixty-first session;

4. *Decides* to include in the provisional agenda of its sixty-first session the item entitled 'Follow-up to the advisory opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons*'." [Footnotes not reproduced.]

2. The Role and Functioning of the Court

At the 39th meeting of the sixtieth session of the General Assembly, held on 27 October 2005, at which the Assembly took note of the report of the Court for the period from 1 August 2004 to 31 July 2005 (see above, p. 298), the President of the Court, Judge Shi Jiuyong, gave the following address:

"Mr. President, distinguished delegates,

It is a renewed privilege and an honour for me to address for the third time, in my capacity as President of the International Court of Justice, the General Assembly of the United Nations on the occasion of its examination of the Report of the Court for the period 1 August 2004 to 31 July 2005.

Year after year, your eminent Assembly has been demonstrating its interest and support for the Court by inviting its President to present to you a review of the Court's activities and achievements. Members of the Court are very grateful for this opportunity. The Court views indeed the close exchanges between these two principal organs of the United Nations as a guarantee of the successful accomplishment of their respective tasks and of the aims of the Organization.

It is also a particular pleasure to address you today under the distinguished presidency of His Excellency Mr. Jan Eliasson of Sweden to whom I offer my warm congratulations on his election as President of the sixtieth session of the General Assembly. He has my sincerest wish for every success in his eminent office. I should like to commend him for his long-standing and active commitment to the goals of the United Nations and applaud his determination to carry the process of reform of the Organization through its 60th anniversary and to ensure the follow-up and implementation of the principles agreed on in the 2005 World Summit Outcome document.

Mr. President,

The Court has transmitted its Annual Report to the Assembly, along with an introductory summary. As the Report is somewhat lengthy, I trust that the following résumé will provide a useful overview of its essential elements.

As I reported last year, 191 States are parties to the Statute of the Court, and 66 of them have accepted the compulsory jurisdiction of the Court in accordance with Article 36, paragraph 2, of the Statute. In addition approximately 300 treaties make reference to the Court in respect of the settlement of disputes arising from their application or interpretation.

Since I addressed you in November 2004, the Court has rendered a final judgment in ten cases (the judgments in all of the eight cases concerning the *Legality of Use of Force* having been rendered simultaneously). Over the same period, the Court has also held oral hearings in three cases. As a result of the Court's efforts, the total number of 21 cases on the docket of the Court, which I reported to you a year ago, had dropped to 11 at the end of the period under review. Today, there are, in fact, 12 cases in the General List, following the institution of proceedings by Costa Rica against Nicaragua on 29 September 2005. I cannot but insist on how much has been accomplished since those not so distant times when there was talk of a serious backlog of cases at the Court. Although it still represents a substantial amount of work, 12 cases is indeed a perfectly reasonable number of cases to have on the docket of an international court.

The contentious cases pending before the Court originate from all over the world: four between European States, three between African States, three between Latin American States and one between Asian States; in addition there is one case of an intercontinental nature.

The Court's international character is also reflected in its composition; it currently has the benefit of Members from Brazil, China, Egypt, France, Germany, Japan, Jordan, Madagascar, the Netherlands, the Russian Federation, Sierra Leone, Slovakia, the United Kingdom, the United States of America and Venezuela.

The cases included on the docket over the last year illustrate the variety of international disputes that are customarily referred to the Court. The Court is accustomed to handling territorial disputes between neighbouring States that are seeking the determination of their land and maritime boundaries or a decision in respect of sovereignty over particular areas. Currently, there are five such cases in the General List concerning, respectively, Nicaragua and Honduras, Nicaragua and Colombia, Malaysia and Singapore, Romania and Ukraine, and Costa-Rica and Nicaragua.

States also regularly submit disputes to the Court concerning treatment of their nationals by other States: this is the positio the present cases between Guinea and the Democratic Republi the Congo, and between the Republic of Congo and France. T last case also raises issues relating to jurisdictional immunitie State officials.

Another category of cases which is frequently referred to the Co concerns the use of force. Such proceedings often relate to eve that have been brought before the General Assembly or the Secu Council. At the moment the Court is deliberating on two ca against Uganda and Rwanda in which the Democratic Republi the Congo contends that it has been the victim of armed attack. Court is also seised of two cases in which Bosnia and Herzego and Croatia, respectively, have sought the condemnation of Se and Montenegro for violations of the 1948 United Nati Convention on the Prevention and Punishment of the Crime Genocide.

As I mentioned earlier, in the course of the period under rev the Court rendered a judgment in ten cases. I shall now deal those decisions in chronological order.

On 15 December 2004, the Court handed down its judgment the eight remaining cases concerning *Legality of Use of Force (Se and Montenegro* v. *Belgium) (Serbia and Montenegro* v. *Cana (Serbia and Montenegro* v. *France) (Serbia and Montenegr Germany) (Serbia and Montenegro* v. *Italy) (Serbia Montenegro* v. *Netherlands) (Serbia and Montenegro* v. *Portu (Serbia and Montenegro* v. *United Kingdom)*; in each of the case found unanimously that it had no jurisdiction to entertain the cla made by Serbia and Montenegro.

When bringing those cases (a total number of ten) in 1999, Se and Montenegro (at the time the 'Federal Republic of Yugosla alleged that each of the respondent States had committed acts which it had

> 'violated its international obligation banning the use of f against another State, the obligation not to intervene in the inte affairs of another State, the obligation not to violate the soverei of another State, the obligation to protect the civilian popula and civilian objects in wartime, the obligation to protect environment, the obligation relating to free navigation on in national rivers, the obligation regarding fundamental hu rights and freedoms, the obligation not to use prohibited weap the obligation not to deliberately inflict conditions of life calcul to cause the physical destruction of a national group'.

In all ten cases it invoked as a basis of the Court's jurisdic Article IX of the Convention on the Prevention and Punishmen the Crime of Genocide, adopted by the United Nations General Assembly on 9 December 1948 ('the Genocide Convention'). In the six cases against Belgium, Canada, the Netherlands, Portugal, Spain and the United Kingdom, it also invoked Article 36, paragraph 2, of the Statute of the Court, while in the four cases against France, Germany, Italy and the United States it invoked Article 38, paragraph 5, of the Rules of Court. Besides, in the two cases against Belgium and the Netherlands, Serbia and Montenegro submitted a 'Supplement to the Application', invoking as a further basis for the Court's jurisdiction the provisions of a convention on settlement of disputes, concluded with each of those States in the early 1930s.

By Orders of 2 June 1999 concerning requests for provisional measures submitted by Serbia and Montenegro in the cases against Spain and the United States, the Court decided that those cases were to be removed from its List for manifest lack of jurisdiction. By Orders of the same date in the eight remaining cases, the Court stated that it lacked jurisdiction prima facie. Subsequently the respondent States in those cases all submitted preliminary objections relating to the Court's jurisdiction to entertain the case and to the admissibility of the Application.

In its Judgments of 15 December 2004, the Court observed that the question whether the Applicant was or was not a State party to the Statute of the Court at the time of the institution of the proceedings was fundamental; for if it were not such a party, the Court would not be open to it, unless it met the conditions prescribed in Article 35, paragraph 2, of the Statute. The Court therefore had to examine whether the Applicant met the conditions for access to it laid down in Articles 34 and 35 of the Statute before examining the issues relating to the conditions laid down in Articles 36 and 37 of the Statute.

The Court pointed out that there was no doubt that Serbia and Montenegro was a State for the purpose of Article 34, paragraph 1, of the Statute. However, the objection had been raised by certain Respondents that, at the time when the Application was filed, Serbia and Montenegro did not meet the conditions set down in Article 35, paragraph 1, of the Statute, because it was not a Member of the United Nations at the relevant time. After recapitulating the sequence of events relating to the legal position of the applicant State vis-à-vis the United Nations, the Court concluded that the legal situation obtained within the United Nations during the period 1992-2000 concerning the status of the Federal Republic of Yugoslavia, following the break-up of the Socialist Federal Republic of Yugoslavia, had remained ambiguous and open to different assessments. This situation had come to an end with a new development in 2000. On 27 October of that year, the Federal Republic of Yugoslavia requested admission to membership in the United Nations, and on 1 November, by General Assembly resolution 55/12, to facts or situations that arose before or after 18 February 1980, the date on which that Convention entered into force between Germany and Liechtenstein. The Court noted in this respect that it was not contested that the dispute was triggered by the decisions of the German courts in the aforementioned case. The critical issue, however, was not the date when the dispute arose, but the date of the facts or situations in relation to which the dispute arose. In the Court's view, the dispute brought before it could only relate to the events that transpired in the 1990s if, as argued by Liechtenstein, in this period, Germany either departed from a previous common position that the Settlement Convention did not apply to Liechtenstein property, or if German courts, by applying their earlier case law under the Settlement Convention for the first time to Liechtenstein property, applied that Convention 'to a new situation' after the critical date. Having found that neither was the case, the Court concluded that, although these proceedings were instituted by Liechtenstein as a result of decisions by German courts concerning a painting by Pieter van Laer, these events have their source in specific measures taken by Czechoslovakia in 1945, which led to the confiscation of property owned by some Liechtenstein nationals, including Prince Franz Jozef II of Liechtenstein, as well as in the special régime created by the Settlement Convention; and that the source or real cause of the dispute was accordingly to be found in the Settlement Convention and the Beneš Decrees. In light of the provisions of Article 27 *(a)* of the European Convention for the Peaceful Settlement of Disputes, the Court therefore upheld Germany's second preliminary objection, finding that it could not rule on Liechtenstein's claims on the merits.

Finally, on 12 July 2005, the Chamber of the Court formed to deal with the case concerning the *Frontier Dispute (Benin/Niger)*, rendered its judgment. By that Judgment, it first determined the course of the boundary between the two Parties in the sector of the River Niger, decided which of the islands situated in the River Niger belonged to each of the Parties, and fixed the boundary line on two bridges in the River Niger; the Chamber further determined the course of the boundary between the Parties in the sector of the River Mekrou.

After outlining the geographical context and historical background to the dispute between these two former colonies, which were part of French West Africa (AOF) until their accession to independence in August 1960, the Chamber addressed the law applicable to the dispute. It stated that that law includes the principle of the intangibility of the boundaries inherited from colonization or the principle of *uti possidetis juris*, whose 'primary aim is . . . securing respect for the territorial boundaries at the moment when independence is achieved'. The Chamber found that on the basis of that principle it had to seek to determine, in this case, the boundary that was inherited from ench administration. It noted that 'the Parties agreed that the to be taken into account for this purpose were those of their tive independence namely 1 and 3 August 1960'.

Chamber then considered the course of the boundary in the Niger sector. It first examined the various regulative or istrative acts invoked by the Parties in support of their tive claims and concluded that 'neither of the Parties has ded in providing evidence of title on the basis of [those] acts the colonial period'. In accordance with the principle that, no legal title exists, the *effectivités* 'must invariably be taken consideration', the Chamber further examined the evidence ted by the Parties regarding the effective exercise of authority ground during the colonial period, in order to determine the of the boundary in the River Niger sector and to indicate to of the two States each of the islands in the river belongs, and rticular the island of Lété.

the basis of this evidence in respect of the period 1914 to 1954, hamber concluded that there was a *modus vivendi* between the authorities of Dahomey and Niger in the region concerned, eby both Parties regarded the main navigable channel of the as constituting the intercolonial boundary. The Chamber ved that, pursuant to this *modus vivendi*, Niger exercised its nistrative authority over the islands located to the left of the navigable channel (including the island of Lété) and Dahomey those located to the right of that channel. The Chamber noted 'the entitlement of Niger to administer the island of Lété was dically called into question for practical reasons but was neither y nor factually contested'. With respect to the islands located site the town of Gaya (Niger), the Chamber noted that, on the of the *modus vivendi*, these islands were considered to fall under urisdiction of Dahomey. It therefore followed, in the view of Chamber, that in this sector of the river the boundary was ded as passing to the left of these three islands.

e Chamber found that the situation was less clear in the d between 1954 and 1960. However, on the basis of the nce submitted by the Parties, it could not 'conclude that dministration of the island of Lété, which before 1954 was ubtedly carried out by Niger, was effectively transferred to or over by Dahomey'.

e Chamber concluded from the foregoing that the boundary een Benin and Niger in this sector follows the main navigable nel of the River Niger as it existed at the dates of independence, ng understood that, in the vicinity of the three islands opposite , the boundary passes to the left of these islands. Consequently, has title to the islands situated between the boundary thus ed and the right bank of the river and Niger has title to the ds between that boundary and the left bank of the river.

In order to determine the precise location of the boundary li
the main navigable channel, namely the line of deepest sounc
as it existed at the dates of independence, the Chamber based
on a report prepared in 1970, at the request of the Governn
of Dahomey, Mali, Niger and Nigeria, by the firm Nether
Engineering Consultants (NEDECO). In the Judgment the Cha
specified the co-ordinates of 154 points through which the bour
between Benin and Niger passes in this sector; and determin
which Party each of the 25 islands of the river belongs, on the
of the boundary line as described above. It stated *inter alia* that
Goungou belongs to Niger.

Finally, the Chamber concluded that the Special Agreement
conferred jurisdiction upon it to determine the line of the bour
on the bridges between Gaya and Malanville. It found tha
boundary on those structures follows the course of the bounda
the River Niger.

In the second part of its Judgment, dealing with the we
section of the boundary between Benin and Niger, in the sect
the River Mekrou, the Chamber examined the various docur
relied on by the Parties in support of their respective clain
concluded that, notwithstanding the existence of a legal title of
relied on by Niger in support of the boundary which it clain
was clear that,

> 'at least from 1927 onwards, the competent administr
> authorities regarded the course of the Mekrou as the intercol
> boundary separating Dahomey from Niger, that those autho
> reflected that boundary in the successive instruments promul
> by them after 1927, some of which expressly indicated
> boundary, whilst others necessarily implied it, and that thi
> the state of the law at the dates of independence in August 1

The Chamber concluded that in the River Mekrou secto
boundary between Benin and Niger is constituted by the media
of that river.

Mr. President,

As well as delivering these judgments, the Court has comp
the hearings on the merits in the case concerning *Armed Act
on the Territory of the Congo (Democratic Republic of the Cor
Uganda)*. In addition, hearings on the preliminary objectio
Rwanda have recently taken place in the case concerning *A
Activities on the Territory of the Congo (Democratic Republic
Congo* v. *Rwanda)*. Both cases are currently under deliberatio
The achievement of the Court during the review period r
its commitment to dealing with cases as promptly and effic

as possible, while maintaining the quality of its judgments and respecting the consensual nature of its jurisdiction.

* * *

Mr. President,

A recurrent theme of my interventions before the General Assembly has been the intensity of the work accomplished by the Court. It is not always easy for the public to imagine what is happening behind the walls and gates of the Peace Palace in The Hague. Faced with a continuously growing caseload, the Court has made tremendous efforts in the last decade to increase its judicial efficiency while maintaining its high quality of work. The Court has modernized the organization of its Registry, reviewed and adapted its internal working methods, promulgated Practice Directions for the parties and even modified its Rules where necessary. Far from resting on its laurels, the Court keeps its working methods constantly under review. It is not without satisfaction that I can tell you that these efforts have already begun bearing fruit. The level of activity displayed by the Court over the past years is, simply put, unprecedented in its history. This success story would not have been possible without the help of the General Assembly and the Court is thankful for the support you have given it in the past. The task lying ahead of the Court is however still considerable and it is therefore essential that this support be maintained. In this regard, it is important to remember that the budget of the Court represents less than one per cent of the total budget of the United Nations. The Court is fully aware of the difficult budgetary conditions in which the Organization finds itself and recognizes its own responsibility to apply its funds wisely. In its budgetary request for the biennium 2006-2007, which is currently under consideration, the Court has made every effort to restrict itself to proposals which are financially modest, but also of the utmost significance for the implementation of key aspects of its work. The Court hopes that these budgetary proposals will meet with your agreement, thereby enabling the principal judicial organ of the United Nations better to serve the international community.

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Mr. President, Excellencies, Ladies and Gentlemen,

The Court was established by the Charter in pursuance of one of the primary purposes of the United Nations: 'to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace'. As we approach the 60th anniversary of the International Court of Justice which will take place next year, the popularity of the Court as a dispute resolution mechanism continues to grow. More and more States are beginning to realize how the International Court of Justice can serve them and are trusting it to resolve their disputes with other nations. The issues which States have asked the Court to resolve are likewise many and varied. In the past three years only, the Court has decided cases relating to matters as diverse as land, fluvial and maritime boundaries, ownership of property seized during the Second World War, human rights violations, access of foreign nationals to consular assistance, freedom of commerce and the use of force, to name but a few. It has thus become clear to the international community that the International Court of Justice, as the principal judicial organ of the United Nations, has a crucial and primary role to play in the peaceful settlement of international disputes and the promotion and application of international law. I would like to stress the point that, as it has been emphasized in the Manila Declaration on the Peaceful Settlement of International Disputes of 1982: 'recourse to judicial settlement of legal disputes, particularly referral to the International Court of Justice, should not be considered an unfriendly act between States'. To the contrary, experience has shown that recourse to the Court is a pacifying measure. It is important, in this regard, to remember that the Court is the only international judicial body to possess general jurisdiction, which enables it to deal with any issue relating to international law and to take into account developments in international law across the entire spectrum of international relations. The Court is thus ideally equipped to settle quickly and durably, at minimal costs, any type of legal dispute, whatever its nature and the type of solution pursued, and no matter what the status of the relationship between the litigant parties is. The role the Court plays was highlighted by the Secretary-General in his recent report, *In Larger Freedom*, in which he described the International Court of Justice as lying 'at the centre of the international system for adjudicating disputes among states'. The Heads of States and Government gathered for the 2005 World Summit echoed this statement when they recognized 'the important role of the International Court of Justice, the principal judicial organ of the United Nations, in adjudicating disputes among States and the value of its work'. The Court welcomes these kind words of appreciation. It also wholeheartedly welcomes the suggestion made by the Secretary-General that in order to reinforce the Court and make it more efficient, States which have not yet done so need to consider recognizing the compulsory jurisdiction of the Court and that the recourse to the advisory powers of the Court by the duly authorized United Nations organs and specialized agencies should be increased. With your support, the International Court of Justice will pursue its efforts to prove worthy of the hopes that have been placed on it and to keep on accomplishing the mission that was attributed to it 60 years ago by the drafters of the Charter.

It remains for me to thank you for your attention, and for your interest in the International Court of Justice.

Thank you, Mr. President."

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On 28 October 2005, President Shi gave the following address to the Sixth Committee of the General Assembly:

"Mr. Chairman, distinguished delegates,

It is with great pleasure that, under your honourable chairmanship, I find myself today addressing the Sixth Committee of the United Nations for the third time in my capacity as President of the International Court of Justice. I am most grateful for your invitation and hope that I shall be able to fulfil the expectations that you have been kind enough to place in me.

Yesterday, I presented the Court's Annual Report to the General Assembly. This was the occasion for me to explain that the principal judicial organ of the United Nations has known yet another year of high judicial efficiency. Indeed, over the last year, the Court has rendered a final judgment in ten cases (the judgments in all of the eight cases concerning the *Legality of Use of Force* having been rendered simultaneously). The Court has also held oral hearings in three cases. As a result of the Court's intensive work, the total number of 21 cases on the docket of the Court, which I reported to you a year ago, had fallen to just 11 at the end of the period under review. Since the Report of the Court was finalized, one new case has been filed with the Court, a sure sign of the vitality of the Court and of the continuing trust of States in the Court. The total number of cases on the docket of the Court now stands at 12, a perfectly reasonable number for an international Court.

Mr. Chairman,

The Annual Report of the Court to the General Assembly contains many figures and numbers like those I just mentioned to you. They are, however, only figures and are not sufficient, as such, to translate accurately the reality of the work of the Court. Much has been said, written and speculated about our work. More often than not, such speculations have been far away from the reality. It is true that, throughout its history, the Court has been careful to maintain a veil of discretion over its work. This is not because the Court is afraid of transparency but rather because, like every judicial institution, it has a duty to maintain its independence and the confidentiality of its deliberations. Since the parties appearing before the Court are sovereign States and the legal questions submitted to it often arise in the midst of complex political situations, it is all the more important to maintain that independence and confidentiality.

In times when the Court's popularity is thriving and its role in peacefully settling international disputes is acclaimed, it is crucial to ensure that the exact nature of the Court's work and its contribution are fully understood by all. Today, I would like to take you on a journey to the very heart of the Court, and to draw your attention to the work that takes place every day behind the iron fences and the high walls of the Peace Palace in The Hague. I hope that by presenting to you the internal functioning of the Court, its organization and its working methods, you may gain a better understanding of the very special nature of the International Court of Justice and its decisions.

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I shall begin by describing the Court in a little more detail than usual.

To understand the Court, the first thing to bear in mind is that the Court is a very small institution in terms of size and budget. As you know, the Court is not only the main judicial organ of the United Nations, but is also one of the five principal organs thereof. However, the budget of the Court for the 2004-2005 biennium was only around 35 million dollars (revised appropriation). This represents barely one per cent of the total budget of the United Nations for the same period which was about three and a half billion dollars (revised appropriation). An even more telling comparison can be struck with the International Criminal Tribunal for the former Yugoslavia. For the same period, the budget of the Tribunal amounted to 330 million dollars after recosting. That is nearly ten times the budget of the Court. My point here is not that the Court should have a budget similar to that of the Tribunal. Indeed, the Court has made very modest budgetary requests for the 2006-2007 biennium and it hopes that they will meet with the agreement of the General Assembly. What I would like to emphasize, however, is that, when evaluating the work of the Court, it is important to bear in mind the constraints on its resources.

As you may recall, the Court is the only principal organ of the United Nations to have its own independent administration. The Registry is the permanent administrative organ of the Court. It has a unique status within the United Nations since it is placed under the authority of the Registrar and the Court, rather than under that of the Secretary-General. The Registry of the Court is proportionate to its budget. The staff of the Registry is accordingly limited to 98 members. These 98 employees are spread between the various departments and technical divisions of the Registry: Department of Legal Matters, Department of Linguistic Matters, Department of

Press and Information Matters, Finance Division, Publications, Library, Text Processing and Reproduction, Computerization, Archives, to name but a few. As far as the legal activities of the Court are concerned, it is important to note that the Legal Department is staffed by only 12 lawyers, five of whom work as a pool of clerks for the judges. This means, among other things, that judges of the Court do not enjoy the support of one or several personal law clerk(s) each, contrary to the current practice in other international courts and tribunals and even in higher national courts. In fact, the only permanent institutional support that judges receive is that of their secretaries.

Despite its limited size and resources, the Court has established work procedures and methods that allow it to accomplish its work efficiently and in a timely manner. These methods have been made public and can be found, for the most part, in the Resolution concerning the Internal Judicial Practice of the Court which was adopted pursuant to Article 19 of the Rules of Court. So what are these working methods? As you are aware, three stages can be defined in the progression of a case before the Court. First, the written stage during which the parties to the case file their pleadings with the Court. Second, the oral stage during which the parties argue the case before the Court. And finally the deliberation stage during which the Court reaches a decision on the case and writes its judgment. As we only have a limited amount of time today, I will focus my remarks on this third phase. It is after all the phase when the most important part of the judge's work is done and when the judgment comes into being. I would, however, like to begin with one comment about the length of the proceedings up to the beginning of the deliberation phase.

In the past, the Court has sometimes been criticized for the length of its procedures. In my opinion, that criticism is not justified. If one examines the entire lifetime of a case, from the day of its filing until the day of the rendering of a final decision by the Court, it quickly becomes clear that most time passes during the written stage of the procedure. That is to say that the greatest part of the time taken to decide a case depends not on the work of the Court but on the work and the will of the parties to that case. Indeed, delays in proceedings are often the result of procedural steps taken by the parties for one reason or another. When States litigate against each other, they do not want to be constrained by procedures that restrict their ability to present their cases as fully and completely as they wish, and, as a matter of principle, sovereign States that bring disputes before the Court cannot be prevented from using all the procedural options open to them. For example, it is difficult for the Court to refuse to extend the time-limits for the filing of certain pleadings or documents if all the parties to the case agree and request that extension. Similarly, once the written pleadings have been filed and a case is ready for hearing, it is not uncommon for parties to jointly request that the Court 'sit on' that case for a certain time, while they engage in negotiations in order to try to settle the case out of court. While the Court's function is to decide disputes through the application of international law, its principal objective is the peaceful settlement of disputes. Therefore the Court welcomes any attempt by States to settle their dispute by peaceful means even if that settlement takes place outside the Court. If the negotiations fail, the Court naturally regains its role of ultimate legal arbitrator. Even the simple fact that a case is on the docket of the Court can act as an incentive for parties to negotiate a settlement to their dispute in accordance with international law. For instance, in the two cases concerning *Questions of Interpretation and Application of the 1971 Montreal Convention Arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya* v. *United Kingdom) (Libyan Arab Jamahiriya* v. *United States of America)*, the Parties agreed, after several years of discussion, to a negotiated solution and requested the Court to discontinue the cases. The Court did so by two Orders of 10 September 2003, recording the discontinuance with prejudice, by agreement of the Parties, of the proceedings and directing that the cases be removed from the Court's List.

This is not to say that the Court is complacent regarding the efficiency of its operations and the control of its proceedings. In recent years, the Court has promulgated several Practice Directions aimed at accelerating contentious proceedings. For instance, the Court now requests the parties to reduce the number and the length of their written pleadings and annexed documents. The Court has also fixed standard time-limits for the submission of documents in incidental proceedings, and laid down strict rules regarding the filing of new documents after the closure of the written proceedings. While these measures have already started to have an effect, the fact remains that the parties have an important role to play in ensuring a timely settlement of their case. When the parties seek a swift settlement and co-operate fully with the Court, experience shows that the Court can act quickly, whether the proceedings have been instituted by unilateral application or by special agreement. For example, in the case concerning *Avena and Other Mexican Nationals (Mexico* v. *United States of America)*, the final judgment was delivered just over 14 months from the date of the institution of the proceedings by the Applicant. In the case concerning the *Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo* v. *Belgium)* the final judgment was similarly delivered within 16 months of the Application. In this latest case, the Belgian Government had agreed to present its preliminary objections and its arguments on the merits jointly, thereby allowing the Court to hear the whole case at once without a separate phase dealing only with the questions of jurisdiction and admissibility.

Having made this initial remark, let me now deal with that part of the proceedings which is entirely the responsibility of Members of the Court, that is to say, the deliberations. A case is under deliberation from the very moment that the oral proceedings end. If time allows, the very first deliberations of the Court are held directly after the President has declared the sitting of the Court closed. This meeting, called an Article 3 deliberation, is relatively formal and its purpose is essentially to allow the President to distribute to the Members of the Court a list of questions which he has established during the proceedings and which outlines the issues which the Court will, in his view, need to discuss and decide. This list is not definitive and is only intended to guide Members of the Court in their personal reflections about the case. Judges are thus free to discuss the list and suggest amendments or additions to it during the meeting. However, Members of the Court tend to avoid discussing the subject-matter of the questions at this stage, preferring to first collect and organize their thoughts.

After that initial meeting, Members of the Court then retire in the privacy of their office for a period of up to several weeks during which they will write their Note, that is to say, a complete exposé of their preliminary views on the case and on the way it should be decided. Notes are written in all cases except in incidental proceedings where the Court can dispense with the writing of Notes in order to accelerate the deliberation process. You will have noticed that I have said that this period is dedicated to writing, and I want to elaborate for a minute on this. One of my predecessors, Judge Bedjaoui, commented in a scholarly article, that the functions of a judge at the Court could be resumed in four verbs: to read, to listen, to deliberate and to decide. I would add a fifth verb to this list: to write. Indeed, the writing of the Note is an essential part of the deliberation process. It allows each judge to analyse, filter and reorganize the vast amounts of information that he or she has read and heard during the previous two phases of the proceedings. This period also allows Members of the Court to research certain points of law which appear to them to be fundamental. Although judges write their Notes entirely on their own, they receive the help of the Legal Department for specific legal research that they might require. Once a case becomes ready for hearing, it is assigned to a team of lawyers from the Legal Department. This team first assists the plenary and then the drafting committee in drafting research papers, editing texts and also producing under the supervision of the President a number of documents intended to accompany and facilitate the work of the judges.

The fact that judges write their Notes entirely on their own does not prevent them from having informal discussions with each other about specific issues. In the end, each Note is unique in content and style as much as it is in length. Some Notes are drafted as a number

of the decision. At this point, the Court has effectively con
its task.

The story I have just told you is that of the drafting of a ju
of the Court. It is a story that unfolds over a period goin
three months in some cases to a maximum of eight or nine
in others. The story I have told you is, however, also a
simplified one. I have not told you for instance that in very c
cases, there may be one or two additional rounds of readings
plenary. I have similarly omitted the procedure for the draf
individual and separate opinions by Members of the Court.
hope I did through this story, however, is to give you a bett
of the manner in which the decisions of the Court come into
I don't expect that you will remember every stage of this
What I do hope you will remember however, and this is the
wanted to emphasize, is the care with which these decisio
drafted. Indeed, the aim of the whole process I have just de
is to ensure that, in each case, the decision reached by the C
the best decision possible and is drafted in the best possib
Today, at a time when the Court is preparing to celebrate i
birthday and when its popularity with the international com
is historically unmatched, I hope you will agree with me whe
that these procedures and working methods have proved effi

This is not to say that the Court and its work cannot be im
The Court has undertaken a thorough review of its working m
in recent years and, as a result, has introduced measures to e
its internal functioning and encourage greater complia
parties with previous measures aimed at accelerating the pr
in contentious proceedings. The Court has similarly
modernized and reorganized its Registry. The reflection of th
on how to further improve its work is ongoing and the C
certainly open to suggestions in this domain. But not all dep
the Court itself. If the Court's role as main judicial organ
United Nations is to be strengthened in the future, the inter
community also has a significant role to play. The Secretary-
has been quite clear on this point in his latest report ent
Larger Freedom. He suggested that, in order to reinforce th
and make it more efficient, States who have not yet done so
consider filing a declaration recognizing the compulsory juri
of the Court and that the duly authorized United Nations
and specialized agencies should have greater recourse to the
advisory procedure. The Court supports these recommen
wholeheartedly.

Mr. Chairman,

In the Final Outcome document of the 2005 World Sum
Heads of States and Governments recognized 'the importan
the International Court of Justice, the principal judicial orga

United Nations, in adjudicating disputes among states and the value of its work'. I can assure you that the Court will continue to perform that role to the best of its ability and that it is ready and willing to fulfil such other duties as may be entrusted to it. It remains for me to thank you for all the assistance and support that you have given and continue to give to the Court.

Thank you, Mr. Chairman."

of answers to the list of questions initially distribute
President. Others are presented like judgments. Some tel
others are more technical and dry. Some run for up to mo
hundred pages, others are shorter.

At the end of the period attributed for the writing of t
the texts are collected by the Registry and sent to the
Department for translation into the other of the Court
languages.

Allow me to make an important digression at this sta
use of languages at the Court. As you know, the Cour
official languages. Article 39 of the Statue of the Court
that 'the official languages of the Court shall be French anc
One feature of the Court, and a guarantee of the quality of
is that the work of the Court is done at every single stag
of these languages. There is thus not one but two permanen
languages. This means that the Court can only move to a
of its work once everything that has been produced at the
stage has been translated. This means that during the dra
decision, both the French and English versions are treated
versions and thus both versions receive the highest level
their drafting. The comparison of the two versions during
ing stage also leads to a finer and more accurate phrasi
Court's thought process. The bilingual nature of the C
offers a guarantee of quality which is probably unattain
other institution. The work of the Registry is in this sense
vital, and I can assure you that it carries out some of
translation that can be found within the United Nations.

Returning to the deliberation process, once the Notes
completed and translated, they are then distributed, all at
time, by the Registry to Members of the Court who then
themselves with the thinking of their colleagues. Dependi
case, one or two weeks are given to Members of the Cou
exercise, before the full deliberations begin.

For those who have had the chance to participate in
proper deliberations of the Court, or Article 5 deliberati
very special and unique experience. Imagine, 15 judges,
up to 17 including the judges *ad hoc*, coming from the fo
of the globe and representing all the main forms of civiliz
the principal legal systems of the world. Imagine 15
distinguished international lawyers, but with very diverse pr
experience. Some were Legal Advisers to the Ministry
Affairs, some Cabinet Ministers, some judges at the highe
their country or even in another international court, some
some diplomats, . . . Now take those 15 judges and ima
in a grand circular room not dissimilar to that of the Securi
discussing and debating a case for the first time. This is t
of the deliberations. For a period lasting from one or tw

the more straightforward cases to several weeks in the most complicated, Members of the Court, one by one, in inverse order of precedence, present their views on the case under deliberation. This presentation may reflect the judge's Note but a judge's views might already have changed on the basis of the reading of other judges' Notes. Each exposé will be followed by questions, comments, and requests for clarifications from the other Members. Little by little, presentation after presentation, a majority view, a common thread, begins to appear from the debates. And so the future judgment slowly starts to take shape. At the end of all the presentations, after he has presented his own view, the President of the Court summarizes the debates, recapitulates the points on which there seems to be a majority agreement and those which require further discussion. It is then time for a break and informal discussions outside the deliberation room. The Resolution concerning the Internal Judicial Practice of the Court specifies in its Article 6, paragraph (i), that '[o]n the basis of the views expressed in the deliberations and in the written notes, the Court proceeds to choose a drafting committee by secret ballot and by absolute majority of votes . . .' What Article 6 does not tell you is that, although drafting committees are elected, they are elected, as far as possible, by consensus. In most cases, the President tries to determine which Members of the Court belonging to the majority would be interested in participating in the drafting committee and whether such a choice would satisfy other Members. During the break at the end of the President's summary of the deliberations, the judges discuss the candidates for election to the drafting committee and, when they return to the deliberation room to vote, the President generally proposes two names. A secret ballot is then held and judges are free to follow the President's suggestion or to propose other names. Once the two members of the Drafting Committee have been elected, the President automatically becomes the third member of the Committee unless he belongs to the minority. In that case, the third post will be occupied by the Vice-President unless he too is in the minority. An election for a third member would then take place. In some rare cases, when it is presumed that a decision will be very long, a fourth or even exceptionally a fifth member can be added by election to the drafting committee so as to allow for a better division of the drafting work.

Once the deliberations are over, the work of the drafting committee begins. The task of the committee is to turn days of deliberation into a coherent and complete text that reflects the views of the majority. The drafting committee is assisted in this task by the Registry. The typical method of work of the drafting committee consists in dividing the decision to be written between the members of the committee. Each member is then responsible for the drafting of his or her section. When all the various parts of the future judgment are drafted, they are circulated and discussed by the

CHAPTER VII

PUBLICATIONS OF THE COURT

The publications of the International Court of Justice are published by the Registry (Rules of Court, Art. 26, para. 1 *(i)*, and Art. 71, para. 6; Instructions for the Registry, Arts. 23, 43, 67-69 and 72).

Information about the publications of the present Court and those of its forerunner, the *Permanent Court of International Justice*, is given below[1].

I. GENERAL

1. Series Published by the International Court of Justice

The publications of the Court are at present classified in series as shown hereunder. Their size is 15.6 × 24 cm when they are published in paper covers and 16 × 24.5 cm when published in hard covers.

(a) *Reports of Judgments, Advisory Opinions and Orders*

This series contains the Reports of the decisions of the Court in both the English and the French texts. Each decision is published as soon as given, in an unbound fascicle which is sold separately[2]. To allow for binding, a continuous system of pagination is adopted for all the fascicles of any one year.

An analytical index is published for each year's decisions; this also may be purchased separately. A binder is available for those who obtain the separate fascicles and the index at the time of their publication. The collected decisions, with index, for each year may also be obtained ready bound together in one or two volumes.

Fifty-eight bound volumes have so far been published, the first being the *I.C.J. Reports* for the years 1947 and 1948, which are collected in a single volume. The latest is the volume for 2003. (The *I.C.J. Reports 1965*, *1967*, *1968*, *1977*, *1979* and *1983* are not indexed.)

Official citation of the series: *I.C.J. Reports*, with an indication of the year. For a separate fascicle the short title of the case and the nature of the decision should be given, e.g.: *Nottebohm, Preliminary Objection, Judgment, I.C.J. Reports 1953*, p. 111; or *Nottebohm, Order of 15 January 1954, I.C.J. Reports 1954*, p. 7. (See Sec. II, pp. 332-347, below.)

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[1] The documents prepared and distributed by the Registry for information purposes are dealt with in Chapter V, above: see pp. 205-206.

[2] See Chap. V, p. 211, above.

(b) *Pleadings, Oral Arguments, Documents*

Volumes in this series are published after the termination of each case and contain the documentation relating to the case in the original language, that is, in English or in French.

This comprises the document instituting proceedings[1], the written pleadings and their annexes[2], the verbatim record of the oral proceedings[3], any documents submitted to the Court after the closure of the written proceedings, and the correspondence. The Court however decided in 1967 that the annexes to the pleadings would no longer be printed in cases which had been removed from the General List either because the application instituting proceedings disclosed that the other side had not accepted the jurisdiction of the Court or because there had been a settlement or a discontinuance of the case.

Depending upon the length of the documents to be printed, one or more volumes are issued for each case. The volumes which appeared up to 31 December 1964 are sold in hard covers whereas subsequent volumes are in paper covers.

Abbreviated reference: *I.C.J. Pleadings*, with the short title of the case, e.g.: *I.C.J. Pleadings, Nottebohm*, Vol. I. (See Sec. III, pp. 352-361, below.)

(c) *Acts and Documents concerning the Organization of the Court*

Five volumes have appeared in this bilingual (English/French) series.

No. 1 is now out of print.

No. 2 contained, in paper covers, the text of the Rules of Court as amended in 1972.

No. 3 contained the texts of the Charter of the United Nations, the Statute and Rules of Court and the Resolution concerning the Internal Judicial Practice of the Court, together with certain documents relating to the Court's privileges and immunities. It was published in 1977, in paper covers.

No. 4 contained the same documents as *No. 3* but with the text of the 1978 revised Rules of Court replacing that of the 1972 amended Rules; it further included certain resolutions concerning States entitled to appear before the Court. It was published in July 1978, in paper covers.

No. 5 contains the same documents as *No. 4*, with some corrections and an additional resolution concerning a State entitled to appear before the Court. It was published in July 1990, the stock of *No. 4* having been exhausted, and is available in paper covers.

Abbreviated reference: *I.C.J. Acts and Documents*, with an indication of the number of the volume.

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[1] See Chap. V, pp. 207 and 217, above.

[2] *Ibid.*, pp. 208-209 and 217, above.

[3] *Ibid.*, pp. 209-210 and 217, above.

members of the committee and modified as a result
discussions. The various parts are then merged and the
of the text is ensured by introducing some stylistic an
where necessary. The drafting committee then makes s
complete and accurate version of the text exists in bo
and English. In some cases, different parts of a same
have been written originally in different languages. Nevert
drafting committee always produces and revises itself th
both languages and never circulates a draft before it
satisfied with both linguistic versions. In this sense, bot
are considered to be original drafting versions.

The very first draft completed by the drafting committe
the 'preliminary draft judgment'. It is circulated to all M
the Court who are given a limited amount of time to r
submit any proposals for amendments. Members of the
submit two types of amendments: substantive or styli
suggested amendment is considered by the drafting com
either accepted or rejected. To gain time, purely stylistic an
are sometimes dealt with directly by the Legal Depart
amended draft is called the 'draft judgment for first re
the Court.

Having taken part in many deliberations and drafting co
I can guarantee you that the drafting of a Court's ju
a complicated, arduous and very meticulous exercise.
explained, the drafting committee has to put into writing th
view emerging from the deliberations. In the best case scen
all judges agree on the outcome of the case, that means
or more individual voices into one coherent decision. In
case, that means setting down the views of the majority w
same time trying to accommodate the views of the minor
less contentious points. In order to fully understand the d
the task of the drafting committee, it is important to note
when Members of the Court agree on an outcome, they
disagree on the manner of reaching that outcome. It is,
the very complexity of the task of drafting judgments at
that ensures the quality of these judgments. For if the C
really represent the international community and the va
traditions it encompasses, it is essential that the voice of
every single one of the 15 Members of the Court be hea
equally taken into account in the drafting of a decision. It
reason that every draft of the future judgment is submit
plenary of the Court for discussion.

The discussion of the draft judgment for the first rea
most thorough one. Each paragraph of the draft is read
full Court, first in one language, then the other, and is su
discussed. In this way, the first reading allows for the revi
and every single paragraph of the whole draft. Since the fi

constitutes the first occasion for the Court to collectively discuss a concrete text, it goes without saying that the debates are often as fascinating and passionate as they were during the deliberations themselves. While there is some discussion of stylistic changes, the debates are generally focused on the substance of the decision, for instance on the approach taken by the drafting committee to reach the result to which the Court had agreed during deliberations. The first reading in that sense is almost like a second deliberation. It is the time when major changes may be proposed and the legal and drafting skills of all 15 Members of the Court are put to the test.

At the end of the first reading, the members of the drafting committee meet again and, taking into consideration all the remarks of their colleagues and the decisions taken by the plenary, they produce a new draft called the 'draft judgment for second reading'. This draft is again circulated to all Members of the Court who then meet in a plenary session to discuss it. This time, however, the text is not systematically read paragraph by paragraph. Rather, except when a paragraph is either new or substantially amended, the President goes through each page, one at a time, asking if Members of the Court have comments about it. If there are no comments about a particular page, then the Court moves to the next and so on. Since the draft for the second reading is the product of long prior discussions, most of the comments at this stage concern questions of style. For instance, judges pay particular attention to the exact correspondence between the French and English versions of the draft. A slight change in style in one language might require a change in the other text. I believe you can also imagine that sometimes a proposal of a seemingly stylistic nature may change the meaning of the whole sentence, or even the paragraph. This would invariably open a debate on a certain point of a legal issue. The second reading will normally take a number of days. It is again very careful and attentive work which is done by the Court at this stage. When the Court has finished reviewing the reasoning of the decision, the President asks the Registry to read aloud the *dispositif*. The critical moment of voting has then arrived. One by one, Members of the Court, the most junior ones first and then in inverse order of seniority, are called upon to vote by the President. The vote is registered orally and can only be expressed in a Yes or a No. No abstention is permitted. If the *dispositif* is made of several, separate paragraphs, a vote takes place for each of these paragraphs.

Once the votes have been tallied, the decision of the Court is almost ready. The Court then determines whether the French or English version will be the authentic one. The decision still needs to be finalized by amending the text in order to reflect the remarks made and decisions taken during the second reading. This task is carried out by the Registry, after consultation of the drafting committee, if necessary. A date is then fixed for the public reading

1965

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1966

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1968

North Sea Continental Shelf, Order of 26 April 1968, I.C.J. Reports 1968, p. 9.

1969

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1970

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1971

Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970), Orders Nos. 1, 2 and 3 of 26 January 1971, I.C.J. Reports 1971, pp. 3, 6 and 9.

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1973

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Nuclear Tests (New Zealand v. *France), Interim Protection, Order of 22 June 1973, I.C.J. Reports 1973*, p. 135.

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Fisheries Jurisdiction (United Kingdom v. *Iceland), Interim Protection, Order of 12 July 1973, I.C.J. Reports 1973*, p. 302.

Fisheries Jurisdiction (Federal Republic of Germany v. *Iceland), Interim Protection, Order of 12 July 1973, I.C.J. Reports 1973*, p. 313.

Nuclear Tests (Australia v. *France), Application for Permission to Intervene, Order of 12 July 1973, I.C.J. Reports 1973*, p. 320.

Nuclear Tests (New Zealand v. *France), Application for Permission to Intervene, Order of 12 July 1973, I.C.J. Reports 1973*, p. 324.

Trial of Pakistani Prisoners of War, Interim Protection, Order of 13 July 1973, I.C.J. Reports 1973, p. 328.

Trial of Pakistani Prisoners of War, Order of 15 December 1973, I.C.J. Reports 1973, p. 347.

1974

Fisheries Jurisdiction (United Kingdom v. *Iceland), Merits, Judgment, I.C.J. Reports 1974*, p. 3.

Fisheries Jurisdiction (Federal Republic of Germany v. *Iceland), Merits, Judgment, I.C.J. Reports 1974*, p. 175.

Nuclear Tests (Australia v. *France), Judgment, I.C.J. Reports 1974*, p. 253.

Nuclear Tests (New Zealand v. *France), Judgment, I.C.J. Reports 1974*, p. 457.

Nuclear Tests (Australia v. *France), Application for Permission to Intervene, Order of 20 December 1974, I.C.J. Reports 1974*, p. 530.

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(d) *Yearbook*

Each year there appears a *Yearbook* in which an account is given of the work of the Court during the period from 1 August of the preceding year to 31 July of the current year. There is also a French edition of this publication, the *Annuaire*.

The present *Yearbook* is the sixtieth in the series, which started with *I.C.J. Yearbook 1946-1947*. Like the 40 preceding issues, it is sold in paper covers whereas the first 18 volumes were sold in hard covers.

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(e) *Bibliography of the International Court of Justice*

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Bibliographies Nos. 1-18 formed Chapter IX in the appropriate *Yearbook* or *Annuaire* up to the 1963-1964 editions. Beginning with No. 19, later *Bibliographies* were issued as separate fascicles with introduction and index in both English and French, but arranged so as to facilitate the binding of several numbers together. The latest *I.C.J. Bibliography* published is No. 52 (year 1998).

Abbreviated reference: *I.C.J. Bibliography*, with the serial number of the volume, followed, if desired, by the entry number of the work cited. E.g.: *I.C.J. Bibliography No. 7:* 2528 for the *Bibliographies* prior to No. 35, and *I.C.J. Bibliography No. 35:* 81: 150 as from 1981.

2. *Dissemination of the Publications of the International Court of Justice*

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3. *Publications of the Permanent Court of International Justice*

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They may be consulted in certain university and other libraries with a substantial legal section.

II. OFFICIAL CITATION OF JUDGMENTS, ADVISORY OPINIONS AND ORDERS

In order to standardize the mode of citation of the decisions of the International Court of Justice and the *Permanent Court of International Justice*, the Court decided to use the titles below, which are listed in chronological order. Orders solely fixing or extending time-limits are omitted.

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For the convenience of the reader, the names of the Parties in contentious cases (separated by a stroke if proceedings were instituted by means of a special agreement), or the name of the body which requested the advisory opinion, have been added in small type to the abbreviated references.

An asterisk indicates that a case was removed from the list before a final judgment or an advisory opinion was given, or if it failed for some other reason to reach its normal conclusion.

Note should be taken of the fact that, with regard to the International Court of Justice, the information given below refers only to the volumes of the *Pleadings, Oral Arguments, Documents* series, which are published only after the conclusion of a case. As mentioned above (pp. 205-206), written pleadings (if accessible to the public) and oral pleadings in pending cases will, generally, be available on the Court's website, since its launch in 1997.

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Committee on Applications
for Review of UNAT Judgements

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[1] In this case, annexes to written pleadings, and documents submitted after the closure of the written proceedings, were not reproduced. Sets of these texts were, however, deposited in a number of public libraries, a list of which is given in the introductory pages of Volume X.

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UN General Assembly

CHAPTER VIII

FINANCES OF THE COURT

I. FINANCIAL REGULATIONS

In regard to financial matters, the International Court of Justice applies Articles 32, 33, 35 and 64 of the Statute of the Court, Article 26, paragraph 1 *(j)*, of the Rules of Court, the Staff Regulations for the Registry and the relevant resolutions of the General Assembly of the United Nations.

1. General Regulations

(a) *Method of covering expenditure*

Article 33 of the Statute of the Court provides: "The expenses of the Court shall be borne by the United Nations in such a manner as shall be decided by the General Assembly." As the budget of the Court has consequently been incorporated in the budget of the United Nations, member States participate in the expenses of both in the same proportion, in accordance with the scale of assessments determined by the General Assembly.

States which are not members of the United Nations but which are parties to the Statute pay, in accordance with the undertaking into which they entered when they became parties to the Statute (see Chap. III, pp. 112-113, above), a contribution the amount of which is fixed from time to time by the General Assembly in consultation with them.

If a State which is not a party to the Statute but to which the Court is open is a party to a case, the Court will fix the amount which that party is to contribute towards the expenses of the Court (Statute, Art. 35, para. 3). Payment is then made by the State concerned to the account of the United Nations in New York.

The contributions of States which are not members of the United Nations are taken into account as miscellaneous income received by the Organization.

Under an established rule, sums derived from staff assessment, sales of publications (dealt with by the Sales Sections of the Secretariat – see Chap. VII, pp. 326-327, above), bank interest, etc., are also recorded as United Nations income.

(b) *Drafting of the budget*

In accordance with the Instructions for the Registry (Arts. 26-30), a preliminary draft budget is prepared by the Registrar. If the Court is sitting, this preliminary draft is submitted for the consideration of the Budgetary and Administrative Committee of the Court and then, for approval, to the Court itself. If the Court is not sitting, approval must be given by the President.

When it has been approved, the draft budget is forwarded to the Secretariat of the United Nations for incorporation in the draft budget of the United Nations. It is then examined by the United Nations Advisory Committee on Administrative and Budgetary Questions and is afterwards submitted to the Fifth Committee of the General Assembly. It is finally adopted by the General Assembly in plenary meeting, within the framework of the resolutions concerning the budget of the United Nations and its unforeseen and extraordinary expenses.

Since 1974 the budget has been presented biennially.

(c) *Financing of appropriations and accounts*

The Registrar is responsible for executing the budget, with the assistance of the Finance Officer. He has to ensure that proper use is made of the funds voted and must see that no expenses are incurred that are not provided for in the budget (Instructions for the Registry, Art. 31). He alone is entitled to incur liabilities in the name of the Court, subject to any possible delegations of authority (Instructions for the Registry, Art. 35).

The accounts of the Court are audited every year by the Board of Auditors appointed by the General Assembly. At the end of each biennium, the closed accounts are forwarded to the Secretariat of the United Nations (Instructions for the Registry, Art. 34).

2. Salaries and Expenses of Judges

(a) *Emoluments*

By virtue of Article 32, paragraph 5, of the Statute, the salaries, allowances and compensation paid to the judges are fixed by the General Assembly. In this connection, the General Assembly adopted resolution 19 (I) of 6 February 1946, resolution 85 (I) of 11 December 1946, resolution 474 (V) of 15 December 1950, resolution 1738 (XVI) of 20 December 1961, resolution 2366 (XXII) of 19 December 1967, resolution 2890 B (XXVI) of 22 December 1971, resolution 3193 B (XXVIII) of 18 December 1973, resolution 3537 B (XXX) of 17 December 1975, resolution 31/204 of 22 December 1976, resolution 35/220 A of 17 December 1980, resolution 40/257 of 18 December 1985, resolution 43/217 of 21 December 1988, resolution 45/250 of 21 December 1990, resolution 48/252 of 26 May 1994, resolution 50/216 of 23 December 1995, resolution 53/214 of 18 December

1998, resolution 56/285 of 27 June 2002, and resolution 59/282 of 13 April 2005.

The emoluments of Members of the Court are made up of an annual salary which may not be decreased during the period of office (Statute of the Court, Art. 32, paras. 1 and 5). With effect from 1 January 2005, the General Assembly (resolution 59/282) has fixed the emoluments of Members of the Court at US$170,080. The General Assembly further decided that the emoluments and other conditions of service shall be reviewed at its sixty-first session.

Under Article 32, paragraphs 2 and 3, of the Statute, the President of the Court and the Vice-President (for every day on which he acts as President) receive special allowances in addition, at a rate fixed by resolution 40/257 of 18 December 1985.

Finally, under Article 32, paragraph 4, of the Statute and General Assembly resolution 19 (I) of 6 February 1946, judges *ad hoc* chosen to sit in certain cases under Article 31 of the Statute receive daily fees. With effect from 1 January 2005, the daily fee of *ad hoc* judges has been fixed at US$466, being 1/365th of US$170,080.

The emoluments of the judges are thus as set out on the following scale:

	US$
President:	
Annual salary	170,080
Special allowance	15,000
Vice-President:	
Annual salary	170,080
Allowance equivalent to US$94 for every day on which he acts as President, up to an annual maximum of . .	9,400
Other Members:	
Annual salary	170,080
Judges ad hoc:	
Fee of US$466 for each day on which they exercise their functions.	

(b) *Pensions*

Article 32, paragraph 7, of the Statute provides: "Regulations made by the General Assembly shall fix the conditions under which retirement pensions may be given to Members of the Court." The General Assembly adopted the Pension Scheme Regulations for Members of the International Court of Justice which appear as an annex to resolution 86 (I) of 11 December 1946. Amendments to these regulations were made by resolution 1408 (XIV) of 1 December 1959. The General Assembly adopted new regulations by its resolution 1562 (XV) of 18 December 1960. Some provisions of the regulations were modified by resolution 1925 (XVIII) of 11 December 1963, resolution 2367 (XXII) of 19 December 1967, resolution 2890 A (XXVI) of 22 December 1971, resolution 3193 A (XXVIII) of 18 December 1973, resolution 3537 A (XXX) of 17 December 1975, resolution 35/220 B of 17 December 1980. The General Assembly effected further modifications by resolution 38/239 of 20 December 1983, resolution 40/257 of 18 December 1985, resolution 45/250 of 21 December 1990 and resolution 53/214 of 18 December 1998.

According to the regulations which came into operation on 1 January 1984, any Member of the Court who has ceased to hold office and who has reached the age of 60 years is entitled, if he has completed at least three years of service, to a retirement pension during the remainder of his life.

With effect from 1 January 1999 (resolution 53/214), if a Member of the Court has served a full term of nine years, the amount of the annual pension shall be US$60,000 in 1999, US$70,000 in 2000 and thereafter one-half of the annual salary. Members of the Court who were in office or elected on or before 1 January 1999, and who have served for more than nine years shall be entitled to a maximum pension of two-thirds of his or her annual salary. The retirement pension is reduced if he or she has served for less than nine years.

Furthermore, a Member of the Court who ceases to hold office before the age of 60 and who would be entitled to a retirement pension when he reached that age, may elect to receive a pension from any date after the date on which he ceases to hold office. The amount of such pension would be that amount which has the same actuarial value as the pension which would have been paid to him at the age of 60.

Provision is made also for disability pensions and pensions for widows and children.

By its resolution 31/204 of 22 December 1976, the General Assembly decided that the retirement pensions given to Members of the Court should be reviewed concurrently with the periodic revision of their annual salary. By its resolution 53/214 of 18 December 1998, the General Assembly decided that pensions in payment shall be automatically revised by the same percentage and at the same date as salary adjustments.

(c) *Conditions of service*

In Section C of resolution 40/257 of 18 December 1985, the General Assembly laid down certain conditions of service applicable to Members of the Court. The text of the relevant portion of this resolution is as follows:

> "*The General Assembly,*
>
> *Recalling* its resolutions 37/237, section XIV, of 21 December 1982, 38/234, section XVII, of 20 December 1983, and 39/236, section V, of 18 December 1984, on conditions of service and compensation for officials other than Secretariat officials,
>
> *Having considered* the report of the Secretary-General and the related report of the Advisory Committee on Administrative and Budgetary Questions,
>
> 1. *Decides* that, with effect from 1 January 1986, the President and members of the Court who have taken up primary residence in The

4. *Common Services*

The common services of the Court and of the Registry and the capital expenditure of the Court come under special items in the budget.

In particular, the Court pays to the Carnegie Foundation an annual contribution for the premises it occupies at the Peace Palace and in the new wing (see Chap. V, p. 181, above). The amount of the contribution was first fixed by the General Assembly in resolution 84 (I) of 11 December 1946 and has subsequently undergone successive alterations. It was increased to 1,004,593 euros as from 1 January 2004, to 1,019,662 as from 1 January 2005 and to 1,034,957 as from 1 January 2006.

II. BUDGET FOR THE BIENNIUM 2006-2007

1. *Ordinary Expenses*

The Budget of the Court for the biennium 2006-2007, which forms Part II, Section 7, of the Budget of the United Nations, was adopted by the General Assembly on 23 December 2005 (resolution 60/247).

PROGRAMME UN-N-08-181. MEMBERS OF THE COURT	US$	US$
Salaries and allowances	5,109,000	
Pensions	2,459,500	
Travelling expenses	44,200	
Education grants	664,200	
		8,276,900
PROGRAMME UN-N-08-182. THE REGISTRY		
Salaries – established posts	11,344,500	
Salaries – temporary posts	2,175,300	
Common staff costs	6,424,600	
Salaries and travel costs of temporary assistance	1,637,900	
Consultants	41,700	
Travelling on official business	38,900	
Overtime	86,000	
Representation allowance	7,200	
Hospitality	18,300	
		21,774,400
PROGRAMME UN-N-08-800. COMMON SERVICES		
Contribution to the Carnegie Foundation	2,385,600	
General operating expenses	592,900	
Contractual printing	656,200	
Contracts – external translation	259,300	
Data processing services	127,600	
Supplies and materials	250,100	
Library	163,800	
Furniture and equipment	138,800	
Miscellaneous expenses	40,200	
Acquisition/replacement office automation equipment	291,100	
		4,905,600
		34,956,900

2. *Unforeseen and Extraordinary Expenses*

On 23 December 2005 the General Assembly, in accordance with previous practice, adopted resolution 60/249, containing the following provisions:

> "*The General Assembly*
>
> 1. *Authorizes* the Secretary-General, with the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions and subject to the Financial Regulations of the United Nations and the provisions of paragraph 3 below, to enter into commitments in the biennium 2006-2007 to meet unforeseen and extraordinary expenses arising either during or subsequent to that biennium, provided that the concurrence of the Advisory Committee shall not be necessary for:
>
> . . . .
>
> (*b*) Such commitments as the President of the International Court of Justice certifies relate to expenses occasioned by:
>
> (i) The designation of *ad hoc* judges (Statute of the International Court of Justice, Article 31), not exceeding a total of $200,000;
>
> (ii) The calling of witnesses and the appointment of experts (Statute, Article 50) and the appointment of assessors (Statute, Article 30), not exceeding a total of 50,000 dollars;
>
> (iii) The maintenance in office for completion of the cases of judges who have not been re-elected (Statute, Article 13, paragraph 3), not exceeding a total of $40,000;
>
> (iv) The payment of pensions and travel and removal expenses of retiring judges, and travel and removal expenses and installation grant of members of the Court (Statute, Article 32, paragraph 7) not exceeding a total of $410,000;
>
> (v) The work of the Court or its Chambers away from The Hague (Statute, Article 22), not exceeding a total of 25,000 dollars."

III. ACCOUNTS FOR THE BIENNIUM 2004-2005

1. *Budget Accounts*

The Court's accounts are presented in the *I.C.J. Yearbook* in relation to the biennial period concerned and not on the basis of the single financial year.

The table on page 370 gives a summary of the budget accounts for the biennium 2004-2005.

2. *Audit of Accounts*

The accounts were audited by the competent authorities from 3 to 13 April 2006.

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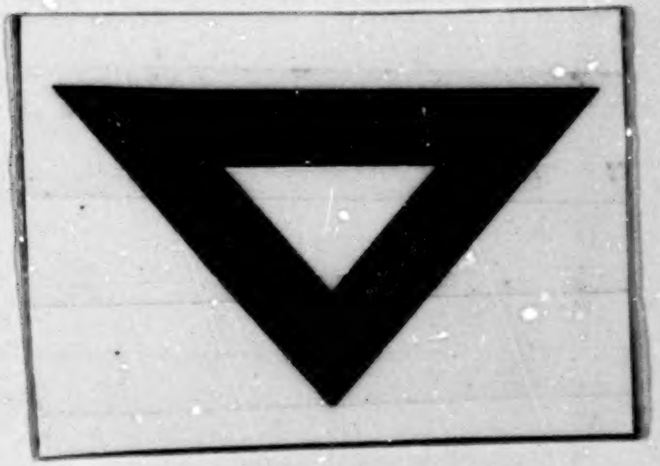

> Hague, shall be reimbursed, up to a ceiling of $4,500, for the actual cost of educating their children in respect of each child each year up to the award of the first recognized degree and that provision shall be made for one related travel per year in respect of each child from the place of scholastic attendance, when outside the Netherlands, to The Hague;
>
> 2. *Decides* that, with effect from 1 January 1986, those members of the Court, who have taken up and maintained a *bona fide* primary residence at The Hague for at least five continuous years during service with the Court, shall be eligible to receive a lump sum equivalent to eighteen weeks of annual net base salary upon completion of their appointment and resettlement outside the Netherlands, and that those members of the Court, who have taken up and maintained a *bona fide* primary residence at The Hague for nine continuous years or more during service with the Court, shall receive the equivalent of twenty-four weeks of annual net base salary upon completion of service and relocation outside the Netherlands;
>
> 3. *Decides* that, with effect from 1 January 1986, in the event of the death of a member of the Court during his service, compensation shall be provided to the survivors in the form of a lump-sum payment equivalent to one month of base salary per year of service, subject to a minimum of three months and a maximum of nine months."

With effect from 1 January 2005, the ceiling for reimbursement for the actual cost of education, referred to in paragraph 1 of the above resolution, was fixed at US$21,624.

With effect from 1 January 2005 (resolution 59/282) those Members of the Court who have taken up and maintained a bona fide primary residence at The Hague for less than five continuous years during their service with the Court shall be eligible, upon completion of their appointment and resettlement outside the Netherlands, to receive a lump sum prorated on the basis of the ceiling of eighteen weeks of annual net base salary that is payable to Members of the Court who have served for five continuous years, and those Members of the Court who have similarly taken up and maintained a bona fide primary residence at The Hague for more than five but less than nine continuous years shall be eligible, upon the completion of their appointment and resettlement outside the Netherlands, for a lump sum prorated on the basis of the ceiling of twenty-four weeks of annual net base salary that is payable to Members of the Court who have served for nine continuous years or more.

(d) *Travelling expenses*

By virtue of Article 32, paragraph 7, of the Statute, regulations made by the General Assembly fix the conditions under which Members of the Court have their travelling expenses refunded. The General Assembly adopted the Travel and Subsistence Regulations of the International Court of Justice which appear in the annex to resolution 85 (I) of 11 December 1946. On 21 December 1982, by resolution 37/240, it adopted new Travel and Subsistence Regulations of the International Court of Justice (set out in *I.C.J. Yearbook 1982-1983*, pp. 164-167).

3. *Salaries, Allowances and Expenses of the Registrar and Officials of the Registry*

(a) *Emoluments*

By virtue of Article 32, paragraph 6, of the Statute, the salary of the Registrar is fixed by the General Assembly on the proposal of the Court. By resolution 85 (I) of 11 December 1946 confirmed by resolution 474 (V) of 15 December 1950, the General Assembly decided that "the annual salary of the Registrar of the International Court of Justice shall be assimilated to that of a top-ranking director of the Secretariat of the United Nations". In the existing structure, the Registrar has the rank of an Assistant Secretary-General and the Deputy-Registrar that of a Director.

Officials of the Registry in the professional category, both permanent and temporary, receive the same salary and the same allowances as officials of the United Nations belonging to the same category.

For the purposes of the schedule of post adjustments applicable to the permanent staff of the professional category, The Hague was in Class 7/+1.3 as at 1 July 2005. For temporary staff the subsistence allowance is fixed at 264 euros a day.

Salaries and allowances of permanent and temporary staff members in the general service category are based on the best prevailing local rates.

The figures given in the budget estimates and accounts in respect of salaries are net figures, after deduction of staff assessment.

(b) *Pensions*

By virtue of Article 12 of the Staff Regulations for the Registry, the Registrar and the officials of the Registry are participants in the United Nations Joint Staff Pension Fund. They participate on the same conditions as all other officials of the United Nations.

(c) *Travelling expenses*

Under Article 5 of the regulations concerning the travel and subsistence allowances of the Members of the International Court of Justice, dated 21 December 1982 (*I.C.J. Yearbook 1982-1983*, p. 167), the travel and subsistence provisions applicable to the Registrar of the Court are as set out in the Staff Regulations of the United Nations for officials of comparable rank, subject to any exceptions authorized by the President of the Court.

The travelling expenses of officials of the Registry are paid under conditions similar to those applied in the Secretariat of the United Nations (Staff Regulations for the Registry, Art. 12).

BUDGET ACCOUNTS FOR THE BIENNIUM 2004-2005

	Appropriation after modifications and transfers US$		*Expenditure* US$	
PROGRAMME UN-N-08-181. MEMBERS OF THE COURT				
Education Grants	200,200		184,426	
Travel to Court sessions/Home Leave	347,000		302,185	
Pensions	2,170,000		2,391,283	
Travel on official business	26,400		27,745	
Emoluments	6,372,400	9,116,000	6,341,358	9,246,997
PROGRAMME UN-N-08-182. THE REGISTRY				
Posts	11,046,000		10,950,450	
Temporary assistance for meetings	942,000		906,576	
General temporary assistance	249,700		226,383	
Consultants	66,900		71,116	
Overtime	110,200		120,710	
Temporary posts for the biennium	1,841,500		1,822,084	
Common staff costs	4,683,500		4,378,041	
Representation allowance	7,200		7,200	
Official travel	31,000		32,095	
Hospitality	18,200	18,996,200	11,701	18,526,357
PROGRAMME UN-N-08-800. COMMON SERVICES				
External Translation	230,100		190,478	
Printing	625,000		605,850	
Data processing services	122,100		117,734	
Contractual services	205,800		205,800	
Rental/maintenance of premises	2,522,300		2,521,075	
Rental of furniture and equipment	150,000		148,358	
Communications	271,500		239,962	
Maintenance of furniture and equipment	252,100		247,375	
Miscellaneous services	77,000		88,251	
Supplies and materials	222,600		222,586	
Library books and supplies	154,700		145,071	
Furniture and equipment	240,400		204,468	
Acquisition of office automation equipment	19,200		255,657	
Replacement of office automation equipment	236,400	5,329,200	22,236	5,214,901
TOTAL		33,441,400		32,988,255